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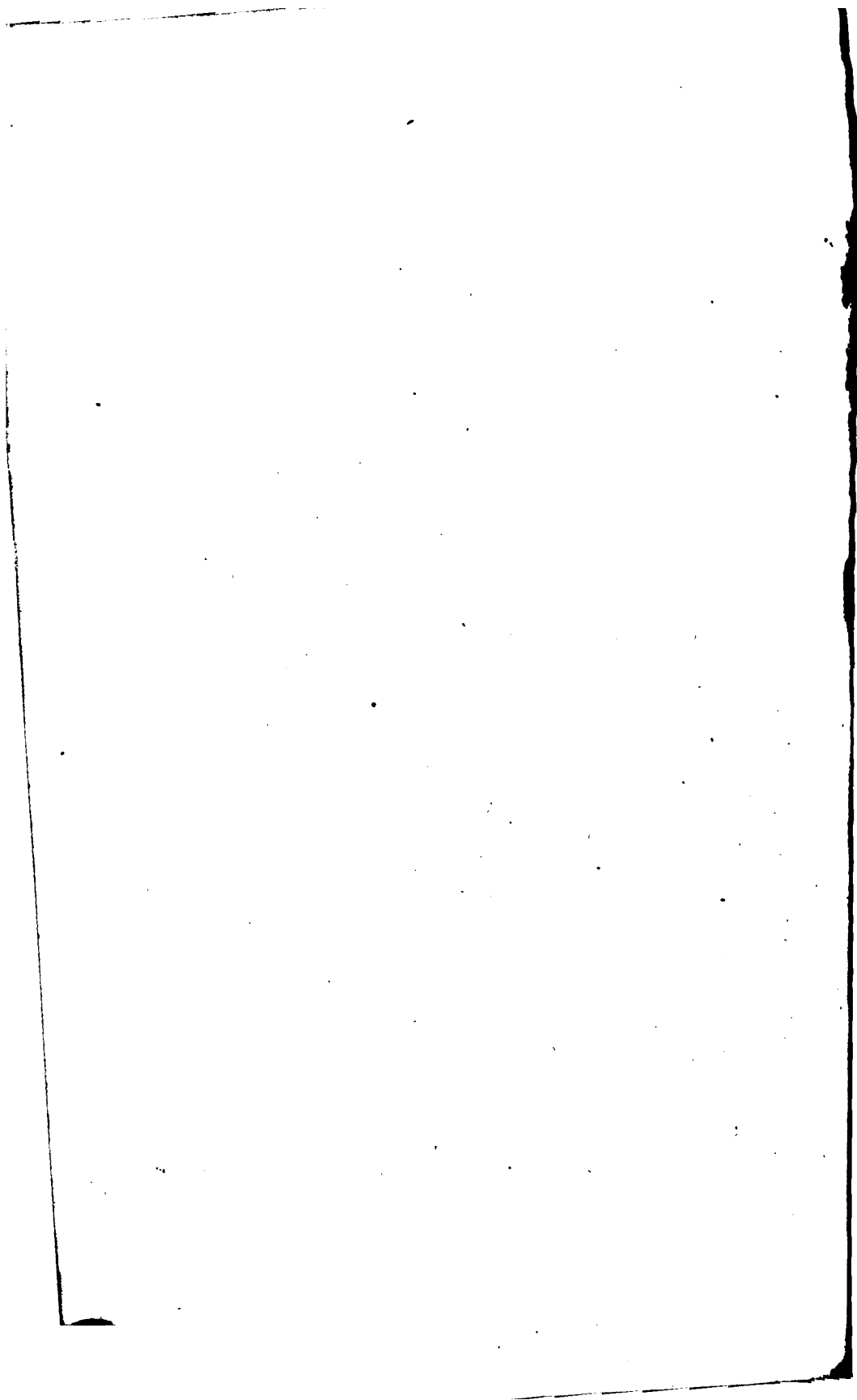
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*Deaf* *E.S.*  
GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

FIFTY-EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

AT ITS FIRST SESSION

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1868,

AND

IN THE SIXTY-SIXTH YEAR OF SAID STATE.

VOLUME LXV.

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# GENERAL LAWS

## AN ACT

Supplementary to "an act to fix the salaries of certain state officers, and to repeal a certain act therein named," passed January 24th, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the salary of the lieutenant-governor shall be paid in equal installments at the state treasury, on the first Monday of February, March, April and May of each year—anything in any law to the contrary notwithstanding.

Salary of lieutenant-governor.

SEC. 2. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

ANDREW G. MCBURNEY,

*President of the Senate.*

January 13, 1868.

## AN ACT

Supplementary to an act entitled "an act supplementary to an act passed March 14, 1853, entitled an act to provide for the reorganization of common schools," passed April 9th, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education, elected under the provisions of the act to which this is supplementary, shall, before entering upon the duties of their office, organize, by electing from their own number a chairman, a clerk or recorder, and a treasurer, for such separate district; and the person so elected treasurer, shall, before entering upon the discharge of the duties of his office, execute a bond, payable to the state of Ohio, for an amount at least double the estimated amount of money that will be in his hands at any time, with two or more sureties, being freeholders in the county, to be approved by the chairman and clerk, and deposited with the clerk; and it shall be the duty of the clerk of such separate school district to immediately file with the county auditor a certified copy of such bond, from and after which the county auditor shall recognize and treat said district as a separate school district.

Organization of board.

Treasurer's bond.

Copy to be filed with county auditor.

Board of separate school district.

SEC. 2. That the board of education of every such separate school district heretofore organized under the provisions of the act to which this is supplementary, in all cases where the same has not been done, shall immediately proceed to elect from their own number, a chairman, clerk or recorder, and treasurer, as herein provided; and the treasurer of every such board of education, if he has not already given a bond as herein provided, shall at once execute the same, and the clerk shall certify and file a copy thereof with the county auditor as aforesaid; and the county auditor shall not hereafter recognize any such separate school district as legally organized until a copy of such bond is duly deposited.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed January 30, 1868.

#### AN ACT

Making partial appropriations for the year 1868.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury belonging to the general revenue, for the purposes hereinafter named, the following sums:

State Arsenal.

To pay laborers at the State Arsenal, one thousand dollars.

Central Lunatic Asylum.

For salaries of officers of the Central Ohio Lunatic Asylum, three hundred nine dollars and thirteen cents; for chaplain and library, twenty-five dollars; and for current expenses of said institution, ten thousand dollars.

Northern Lunatic Asylum.

For salaries of officers of the Northern Ohio Lunatic Asylum, three hundred and seventy-four dollars and eighty-nine cents; and for current expenses of same institution, ten thousand dollars.

Southern Lunatic Asylum.

For salaries of officers of the Southern Ohio Lunatic Asylum, five hundred four dollars and eighty-four cents; and for current expenses of said institution, ten thousand dollars.

Deaf and Dumb Asylum.

For the current expenses of the Deaf and Dumb Asylum, five thousand dollars; for printing and binding department of said asylum, one thousand dollars; for continuing the work on said deaf and dumb asylum, forty thousand dollars.

Blind Asylum.

For salaries of officers of the Blind Asylum, thirteen hundred two dollars and eighty-six cents; and for current expenses of said asylum, five thousand dollars.

Idiotic Asylum.

For salaries of officers of the Asylum for Idiots, seven hundred sixty-four dollars and sixty-eight cents; and for current expenses of said asylum, five thousand dollars.

For the contingent expenses of the governor, one thousand five hundred dollars.	Governor's contingent.
For the contingent expenses of the different offices and departments of the state government (excepting the executive) to be audited by the auditor of state, two thousand dollars.	State officers' contingent.
For the per diem and mileage of the members of the general assembly, and the per diem of their clerks and other officers, under laws and resolutions of the Senate and House of Representatives respectively, fifty thousand dollars; for the contingent expenses of the general assembly, to be paid upon vouchers approved by the president of the senate and speaker of the house respectively, one thousand dollars; and for the expenses of the standing and special committees of both branches of the general assembly, to be paid upon the certificate of the chairman thereof, fifteen hundred dollars.	General assembly.  Contingent expenses.
For books, magazines and papers for the State Library, five hundred dollars.	State Library.
For the night-watch of the Treasury and State House, one hundred twenty-three dollars and thirty cents.	Night-watch.
For payments of the guards at the Ohio Penitentiary, ten thousand dollars; for enlargement and repairs, and to repair damages by fire at the penitentiary, nine thousand five hundred dollars; and to pay the costs of prosecution and transportation of convicts to the Ohio Penitentiary, fifteen thousand dollars.	Ohio Penitentiary.
For the current expenses of the State Reform School, thirty-five hundred dollars; and for the salaries of officers of said school, fifteen hundred dollars.	Reform School.
For the salaries of certain state officers and clerks, as follows: For the governor, lieutenant-governor, auditor of state, treasurer of state, secretary of state, attorney-general, comptroller of the treasury, commissioner of common schools, commissioner of statistics, state librarian, private secretary of the governor, superintendent of the state house, supervisor of public printing, clerk of the supreme court, and law librarian, ten thousand dollars.	Salaries of state officers.
For clerks in auditor's office, two thousand dollars.	Auditor's clerks.
For clerks in treasurer's office, one thousand dollars.	Treasurer's.
For clerks in secretary of state's office, seven hundred and seventy-six dollars and fifty-six cents.	Secretary's.
For clerks in the comptroller's office, one thousand dollars.	Comptroller's.
For clerk in school commissioner's office, two hundred and fifty dollars.	School commissioner's clerk.
For clerks in the adjutant-general's office, twenty-five hundred dollars; and for clerk and expenses of the board of commissioners of military claims, three hundred dollars.	Adjutant-general's clerks.
For stationery, including printing-paper and other articles necessary for the use of the general assembly and public offices, eighteen thousand dollars.	Stationery.
For gas consumed in the state house, one thousand dollars.	Gas.
For engineer, laborers, and other expenses of the heating apparatus of the state house, three hundred dollars; and for	Heating state house.

any necessary repairs to the engine, boilers, and other apparatus connected therewith, five hundred dollars.

Public arms. For the transportation and care of the public arms, one thousand dollars.

Special elections. To pay for special elections, the sum of two hundred dollars.

Printing. For printing for the state, eight thousand dollars.

Binding. For binding, under present contract, five thousand dollars.

Canals. SEC. 2. That there is hereby appropriated, from any money in the treasury belonging to the canal fund, for the purposes hereafter named, the following sums, to wit:

For attorneys' fees and incidental expenses of the board of public works, three hundred dollars; for the salaries of the members of the board of public works, one hundred and twenty-four dollars and ninety-two cents; for the salaries of the resident engineers of the public works, eight hundred and eighty-four dollars and seventy-seven cents; and for the salary of the clerk of said board of public works, two hundred dollars.

Veteran volunteers. SEC. 3. There is hereby appropriated for the payment, by the state, of bounties to veteran volunteers, in pursuance of an act to authorize and require the payment of bounties to veteran volunteers, passed April 16th, 1867, the sum of twenty thousand dollars.

SEC. 4. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed February 1, 1868.

#### AN ACT

To revive section 145 of the act relating to civil jurisdiction of justices of the peace in the replevin of property. (S. & C., page 795.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and forty-five (145) of the act relating to the civil jurisdiction of justices of the peace, in the replevin of property, be and the same is hereby revived, and made to read as follows:

When justice to certify proceedings to common pleas court.

Section 145. Whenever the appraised value of the property so taken shall exceed one hundred dollars, the justice shall certify the proceedings upon the said writ to the court of common pleas of his county, and thereupon shall file the original papers, together with a certified transcript of his docket entries, in the clerk's office of said court; the case there to be proceeded in as if such suit had commenced in said court.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed February 1, 1868.

#### AN ACT

To change the times fixed for holding the spring terms of the courts of common pleas in the counties of Tuscarawas and Harrison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times for holding the second terms of court in the counties of Tuscarawas and Harrison, as fixed by the judges of the eighth judicial district, be changed, and that said term of court of common pleas be held in the county of Tuscarawas on the 27th day of April, A. D. 1868, and in the county of Harrison on the 11th day of May, A. D. 1868.

SEC. 2. This act shall be force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed February 12, 1868.

#### AN ACT

Supplementary to "an act concerning the relation of guardian and ward," passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any guardian and his ward may both be non-residents of this state, and such ward may be entitled to property of any description in this state, such guardian, on producing satisfactory proof to the probate court of the proper county by certificates, according to the act of congress in such cases, that he has given bond and security in the state in which he and his ward reside, in double the amount of the value of the property, as guardian, and it is found that a removal of the property will not conflict with the terms of limitation attending the right by which the ward owns the same, then any guardian may demand or sue for, and remove any such property to the place of resi-

Non-resident  
 guardian  
 may remove  
 property of  
 non-resident  
 ward.

Proviso as to  
guardians of  
idiots and  
lunatics, etc.

dence of himself and ward; provided, that in all cases in which the foreign guardian of a foreign idiot, or lunatic, shall make application for authority to possess, manage or dispose of the real or personal estate of his ward situate in this state, the proceedings shall be governed by section fifty of "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7th, 1856 (1 S. & C., 848), as amended March 16th, 1865 (62d O. L., p. 43); and provided further, that in cases where a trustee for non-resident ward has been appointed under the laws of this state, all proceedings for the recovery or removal of moneys of said ward, in the hands of such trustees, shall be as directed by the act entitled "an act to provide for the appointment of trustees to minors residing out of this state, and having property in the same," passed March 19th, 1849 (1 S. & C., 679), and the acts supplementary thereto and amendatory thereof, passed April 23, 1862 (59 O. L., 61); nothing herein contained shall be construed as in any manner changing the laws now in force regulating proceedings for the sale of the real estate of non-resident wards, but all such proceedings shall be governed by said laws.

When resi-  
dent guar-  
dian to be  
discharged,  
and how.

SEC. 2. That when such non-resident guardian shall produce an exemplification from under the seal of the office (if there be a seal) of the proper court in the state of his residence, containing all the entries on record in relation to his appointment, giving bond, etc., and authenticated as required by act of congress as aforesaid, the probate court of the proper county in this state may cause suitable orders to be made, discharging any resident guardian, executor or administrator, and authorizing the delivering and passing over such property, and also requiring receipts to be passed and filed, if deemed advisable; provided, the benefits of this act shall not be extended to the citizens of any state in which a similar act does not exist, or may not hereafter be passed; and provided, also, that in all cases thirty days' notice shall be given to the resident guardian, executor or administrator, of the intended application for the order of removal, and the court may reject the application and refuse such order whenever it is satisfied that it is for the interest of the ward that such removal shall not take place.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

February 12, 1868.



## AN ACT

To amend section 13 of "an act for the incorporation of townships," passed March 14th, 1853. (S. & C. p. 1568.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen of an act entitled an act for the incorporation of townships, be amended so as to read as follows, viz:

Section 13. That it shall be the further duty of the township clerk, immediately after the township officers shall have made their annual settlement of accounts, to make out and enter in the record book of the township, an account of all the receipts and expenditures of the township of the preceding year, and also the receipts and expenditures of the township board of education, stating for what the money was received, and also how expended, a copy of which account he shall set up at the place of holding township elections, on the morning of the first Monday of April, annually. For making his account as above required, and also for keeping a record of their proceedings at their several meetings, and attending such suits as may be instituted in favor of the township, and for any other township business they may require him to perform, the trustees shall allow said clerk a reasonable compensation, to be paid by the township treasurer out of the funds of the township, on the order of said trustees.

Record of receipts and expenditures — copy to be set up. &c.

Clerk's compensation.

SEC. 2. That section thirteen of the act to which this act is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 12, 1868.

## AN ACT

Supplementary to "an act to authorize city councils of cities of the second class to borrow money and issue bonds for the enlargement and improvement of water works," passed March 11, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any case in which the city council of any city of the second class has undertaken the enlargement and improvement of its water works, and the sum authorized to be borrowed for such purpose, under the said act to which this act is supplementary, is found to be insufficient to enable such city council to complete such enlargement and improvement, it shall be lawful for such city council, in order to complete such enlargement and improvement, to issue the bonds of such city to an amount not exceeding the sum of

Additional bonds may be issued to complete water works

fifteen thousand dollars additional to the amount authorized to be borrowed by the said act to which this act is supplementary, and which said bonds shall be issued upon the same terms, conditions and limitations, and in such amounts, and payable in the same manner, as are the bonds issued under the authority of the said act to which this act is supplementary.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 15, 1868.

#### AN ACT

To amend an act entitled "an act to abolish the tenth judicial district," passed May 1, 1862, and to create an additional judgeship in and for the fourth subdivision of the third judicial district of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the act entitled "an act to abolish the tenth judicial district," passed May 1, 1862, be so amended as to read as follows:

Subdivision.

Section 1. That the counties of Logan, Union, Hardin and Shelby, shall constitute the first subdivision; the counties [of] Auglaize, Allen, Mercer, Van Wert and Putnam, shall constitute the second subdivision; the counties of Paulding, Defiance, Williams, Fulton and Henry, shall constitute the third subdivision; and the counties of Seneca, Hancock, Wyandot, Marion, Crawford and Wood, shall constitute the fourth subdivision of the third judicial district of the state of Ohio, and these counties together shall compose and form said third judicial district.

SEC. 2. That the said first section of said act above mentioned, be and the same is hereby repealed.

Additional  
judge for  
fourth sub-  
division.

SEC. 3. That there shall be one additional judge of the court of common pleas in and for the said third judicial district, who shall be a resident of said fourth subdivision thereof, and who shall be elected by the qualified electors of the said counties composing said fourth subdivision, at the annual elections therein for township officers, on the first Monday in April, A.D. 1868, which election for said judge shall be held and the returns thereof made in accordance with the provisions of an act to regulate the election of state and county officers, passed May 3, 1852, and the acts amendatory thereof and supplementary thereto, whose term of office shall begin on the first Monday in May, A.D. 1868, and which additional judge shall be again elected at the annual election in October of the year A.D. 1872, and every five years thereafter, in the same manner and for the same term of office as is prescribed by the constitution and laws of the state of

His term of  
office.

Ohio for the election of other judges of said court; and said judge, when elected and qualified, shall receive the same compensation as other judges of said court, and shall also, in every respect, have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties, as are now or hereafter may be enforced or enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

Compensation.

Powers and duties.

SEC. 4. That when a vacancy shall occur in the office of said additional judge, whether by the expiration of his term of office or otherwise, such vacancy shall be filled as in vacancies in the office of the other judges of said court.

Vacancy—how filled.

SEC. 5. That this act shall [be] in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 21, 1868.

#### AN ACT

To authorize the election of one additional judge of the court of common pleas in the third subdivision of the fifth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the fifth judicial district of the State of Ohio, there shall be one additional judge of the court of common pleas, who shall be a resident of the third subdivision of said district, composed of the counties of Pickaway, Franklin and Madison, to be elected by the qualified voters of said counties, as herein provided.

An additional judge for third subdivision.

SEC. 2. That the first election for said additional judge shall be held on the first Monday in April, A. D. 1868, and his term of office shall commence on the second Monday in May thereafter.

First election.

SEC. 3. That it shall be the duty of the sheriff in each county in said subdivision, at least fifteen days prior to said first Monday of April, 1868, and at least fifteen days prior to the first Monday of April hereafter in each year, when an election for such additional judge is to be held, to give notice, by proclamation, of the time and place of holding such election; which shall be conducted and the returns thereof made in the same manner as required by law in case of the election of other judges of the court of common pleas, except that the abstract and certificate of the election shall be transmitted, by the clerk of the court of common pleas of Franklin county, to the secretary of state, who shall certify the same to the governor; and, thereupon, the governor shall issue a commission to the person elected such judge.

Duties of sheriffs.

SEC. 4. The said additional judge shall receive the same salary as other judges of the court of common pleas, and when so elected and qualified, he shall have in all respects the same powers and jurisdiction, and discharge all the du-

Judge's salary, &c.

Vacancy.

ties, as are conferred and enjoined by the constitution and laws of this state upon the judges of said court; and any vacancy that may occur in the office of such additional judge, by death, resignation, or otherwise, shall be filled as in other cases of vacancy in the office of judge of said court.

Two judges may hold courts simultaneously.

Commissioners shall provide rooms, &c.

SEC. 5. It shall be lawful for any two of the judges of the court of common pleas of said fifth judicial district, to hold the regular, or special or adjourned, terms of said court in the county of Franklin, in said district, at the same time, sitting in different rooms, at the county seat of said county. And the commissioners of said county shall provide a suitable room for that purpose, in addition to the regular court room. Said judges shall at such times divide the docket, and assign to each such portion of the business thereon as they may think proper; and they shall make such rules and regulations for the government of the officers of said court, and the proper and efficient transaction of the business of said court at such times as may be necessary.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed February 24, 1868.

#### AN ACT

To authorize cities of the second class to receive donations of library buildings and libraries, and to keep up and maintain the same.

Taxes may be levied to keep up free public library, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the city council of any city of second class in this state to levy, annually, a sum not to exceed one-half ( $\frac{1}{2}$ ) mill on the dollar of the taxable property in such city, for the purpose of keeping up and maintaining therein a free public library and reading-room, provided a suitable lot and building supplied with a library furniture and fixture shall be donated to such city for the above purpose; and any city of the second class is hereby authorized to receive such donation in trust forever, for the benefit of its citizens.

City councils to appoint trustees, &c.

SEC. 2. That it shall be lawful for such city council to appoint such trustees or officers, and confer upon the same such authority as may be necessary to render such library and reading-room of public utility; and such city council may also pass all necessary by-laws and regulations for the protection and government of the same.

SEC. 3. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed February 24, 1868.

## AN ACT

To regulate proceedings in the courts in cases of contested elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every case in which the election of any person declared duly elected probate judge, clerk of the court of common pleas, sheriff, coroner, county auditor, county commissioners, county treasurer, county recorder, county surveyor or prosecuting attorney, is contested, and said contest is now pending, or shall hereafter be brought into the court of common pleas, in any county in this state, upon the hearing and determination of said contest against the party or parties contesting said election, said court shall render judgment against said party so failing in said contest, and in favor of said party so declared duly elected, for all costs incurred by him in said contest, including the costs of all depositions taken in his behalf.

Failing party liable for costs.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed February 24, 1868.

## AN ACT

To authorize county commissioners to execute leases of county lands for mining purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Commissioners of any county in this state be, and they are hereby authorized, whenever in the opinion of such commissioners the county would be benefited thereby, to make, execute and deliver contracts or leases to mine iron ore, stone-coal, petroleum, salt and other minerals, upon lands now owned or hereafter to be acquired by such county, to any person or persons, association or body corporate who may comply with the terms prescribed by such commissioners and the provisions of this act, which said terms as to consideration, rights of way, occupancy of ground for necessary purposes and all other matters of contract, shall be such as said commissioners may deem most advantageous to the county; provided, however, that all such contracts or leases shall be forfeited to the county in case of a non compliance with any of the terms therein set forth, and that said contracts or leases shall not operate as a conveyance of the fee of any part of the realty, or be valid for a longer term than fifteen years from the date of the same; and, provided also, that the consideration of such contracts or leases shall be a rental, payable at least once in each year to the treasurer of the county, who shall give a receipt there-

County commissioners may execute leases of mineral lands.

Forfeiture of leases.

for to the party paying the same, and be charged therewith by the county auditor, with whom such receipts, and such contracts and leases shall be deposited, and the fund created by such payments shall be held and used for county purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 3, 1868.

#### AN ACT

To repeal an act entitled "an act to punish persons who leave their places of residence for the purpose of avoiding conscription," passed March 29th, 1865.

SECTION 1. *Be enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to punish persons who leave their places of residence for the purpose of avoiding conscription," passed March 29th, 1865, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 3, 1868.

#### AN ACT

Relating to roads and highways.

Duties of  
township  
trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the several townships of this state shall, on the first Monday of March next, divide their respective townships into suitable road districts, and, annually thereafter, may make such alteration therein as they may deem proper, and cause a brief description thereof to be made on the township record, and also furnish each supervisor with a plat of his road district; and shall cause the same notice to be given as is now required by law for the election of other township officers, of the election of as many supervisors of roads as there shall be road districts in the township.

SEC. 2. There shall be elected in each township in this state, on the first Monday of April next, and annually thereafter, one supervisor of highways for each of said road districts, who shall reside therein; and no elector shall vote for more than one supervisor at such election, and such elector shall be a resident of the same district in which the person so voted for shall reside. Supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office; and the trustees may require of such supervisor a bond payable to the State of Ohio, in trust for said township, in such sum as they may determine, with security to be by them approved, conditioned for the faithful discharge of the duties of said office; and, on refusal or neglect to qualify and serve, shall forfeit and pay the sum of five dollars and costs, to be collected by the trustees in an action of debt. Moneys so collected shall go into the road fund of the township, to be expended as other road moneys.

Election of supervisors.

Their oath.

Bond.

Penalty for neglect of duty.

SEC. 3. That it shall be the duty of each and every supervisor to open, or cause to be opened, all public roads and highways which shall have been or may hereafter be laid out and established in his road district, the same to keep in repair, and remove, or cause to be removed, all obstructions that may from time to time be found thereon; for which purpose the supervisors are hereby authorized to enter upon any uncultivated or improved lands unincumbered by crops, near to or adjoining such roads; to cut and carry away timber, except trees or groves on improved lands, planted or left for ornament or shade; to dig, or cause to be dug and carried away, any gravel, sand or stone which may be necessary to make, improve or repair said road; and to enter on any lands, adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands, and the improvements thereon and timber, as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest water-course, and shall be kept open by such supervisors, and shall not be obstructed by the owner or occupier of such lands, or any other person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisor, and paid over by him to the township treasurer, and applied to the road fund of the township.

Duties of supervisors.

SEC. 4. That all able-bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required, between the ages of twenty-one and fifty-five years, except persons permanently disabled in the military service of the United States, and any person who is now or shall hereafter become an acting member of any fire engine, hook and ladder, hose or other company, for the extinguishment of fire or the protection of property at fires, now existing and under the control of the corporate authorities of any city or incorporated town or village within this state, or of any such company which shall hereafter be organized

Who shall perform, or cause to be performed, two days' labor annually

under and subject to the authorities of any city, town, or village as aforesaid, and who receives no pay for such services during the time he may continue an acting member of such company, shall be liable, annually, to do and perform two days' labor on the highways, under the direction of the supervisor of the road district in which he shall reside; provided, further, that [if] any person, being warned as hereinafter provided, shall pay to the supervisor in whose district he may reside, the sum of three dollars, within three days after being notified by said supervisor, the same shall be received in lieu of the two days' labor, and shall be applied by the supervisor, receiving the same, to the improvement of the roads in his district, and accounted for as herein provided.

Further duty  
of supervi-  
sors.

SEC. 5. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, between the first day of April and the first day of September or November, annually, as the trustees may designate and direct, to do and perform the work aforesaid on the public roads within his district; and if any such resident being personally warned by such supervisor, or by leaving a written notice at his usual place of abode, shall refuse or neglect, having had at least two days notice, to attend by himself or substitute, to the acceptance of the supervisor, or having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or in inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable, in all cases of non-attendance, to the amount allowed for two days work, to be recovered by action before any justice of the peace of the proper township, at the suit of the supervisor within whose district he may reside; and the money so collected shall be applied by said supervisor to the improvement of the road in his district, and accounted for by him at the annual settlement with the trustees of his township; provided, that no person shall be released from the performance of labor on the public highway by reason of the neglect of any supervisor to order out such person on or before the first day of September or November as herein provided.

Penalty for  
neglect or  
refusal to  
perform la-  
bor.

Release in  
case of re-  
moval.

SEC. 6. That in case any person shall remove from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified.

Laborer to  
appear when  
notified, &c.

SEC. 7. That any person called upon to perform any labor upon the public roads and highways under any provisions of this act, shall, by himself or substitute, appear at the place appointed by the supervisor, at the hour of seven o'clock in the forenoon, with such necessary tools and implements as the supervisor may direct; and the supervisor may, if necessary for the improvement of the road, order any person owning the same to furnish a team of horses, mules or oxen, and



wagon, cart, plow or scraper, to be employed and used on the roads under the direction of the supervisor.

SEC. 8. That for the purposes provided for in the preceding sections of this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards, in any road district in this state.

Residence,  
where held  
to be.

SEC. 9. That the several supervisors, within their respective districts, shall collect, by suit or otherwise, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the township trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom such fine, forfeiture, use or penalty, in the opinion of the supervisor, can be collected by execution; and the said judgments, if not paid, together with the costs thereon, shall remain and be in force against the judgment debtor, as other judgments at law.

Fines, for-  
feitures, &c.

SEC. 10. That the several supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts; and every supervisor is hereby required to account to the trustees of the township, at the annual settlement, for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts, who have been ordered out to perform the two days' labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act, shall be paid over on demand by the justice of the peace or constable collecting the same, to the supervisor of such road district wherein such fine or forfeiture accrued; and the several supervisors shall also render an account to the trustees, at the annual settlement, of all moneys that remain in their hands at the time of settlement; also all judgments that remain unpaid, and the name of the judgment debtor, and the justice before whom such judgments were obtained, with the amount thereof; and the trustees shall make such order as to the prosecution of suits by the supervisors of the proper districts, against such delinquents, as in the judgment of the trustees the interest of the township may require.

Duties of  
supervisors  
as to moneys  
collected, &c.

SEC. 11. That all moneys that may remain in the hands of any supervisor at the time of the annual settlement with the township trustees, shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the township clerk. It shall be lawful for any supervisor to sue out executions on any judgments that remain unpaid within his proper district, at any time when, in his opinion, the same can be collected; and the money so received and collected shall be expended as provided in the foregoing section.

Surplus mon-  
eys to be paid  
over to suc-  
cessor.

SEC. 12. That supervisors of roads and highways within

Foot bridges.

this state be and are hereby authorized to construct foot bridges over streams of water on said highways.

Posts and  
guide boards.

SEC. 13. That each supervisor, within his district, shall erect and keep up at the expense of the township, at the forks or cross roads of every state and county road, a post and guide board or finger board, containing an inscription in legible letters, directing the way and distance to the town or towns, or public place or places, situated on each road respectively.

Penalty for  
injuring  
guide boards.

SEC. 14. That if any person shall willfully demolish, throw down, alter or deface any guide board at the forks or cross roads of any public road, every person so offending shall, upon conviction thereof before any justice of the peace of the proper county, be fined in any sum not exceeding ten dollars and costs of suit; and the money, when collected, shall be by the justice of the peace or constable collecting the same, paid over to the supervisor in whose district the offense was committed, and be by him applied to the repair of the roads and highways within his district.

Trustees to  
furnish  
plows, scrap-  
ers, &c.

SEC. 15. That the township trustees of the several townships within this state be and they are hereby authorized to furnish plows and scrapers for the use of the several road districts within their townships, to be paid for out of any moneys in the township treasury not otherwise appropriated. The trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof; and such supervisor shall be liable for any injury or damage that may result to such implements, or any of them, by the improper use thereof, or by unnecessary exposure to the weather during the time the same may be in his possession; and he shall, on the first Monday in March, annually, return the same to said trustees. The amount for which such supervisor may be liable for such improper use or neglect, may be recovered by action in the name of the trustees.

Suitable wat-  
ering places  
to be provid-  
ed.

SEC. 16. That the trustees of any township in this state are hereby authorized to provide and maintain suitable places for procuring water for persons and animals on the public highways in their township; provided, that not more than fifty dollars shall be expended in any township, in any one year, for such purpose, to be paid out of any moneys in the township treasury not otherwise appropriated.

Levy for  
road and  
bridge pur-  
poses.

SEC. 17. That the commissioners of the respective counties in this state are hereby authorized to levy, at the March session of their board, annually, for road and bridge purposes, as follows: In counties where the taxable property exceeds the sum of sixty millions of dollars, not less than one-twentieth of a mill, nor more than five-tenths of a mill; in counties of thirty millions of taxable property, and less than sixty millions, not less than one-tenth of a mill, nor more than one mill; in counties of less than thirty millions dollars of taxable property, and more than ten millions, not less than two-tenths of a mill, nor more than two mills; in counties where the taxable property is less than ten millions, and over five millions of dollars, not less than seven-tenths

of a mill, nor more than three mills; in counties where the taxable property is less than five millions of dollars, the levy shall not be less than seven-tenths of a mill, nor more than five mills; and the auditor of the county shall place the same on the tax duplicate of the current year, to be included in and collected in the December installment of taxes, except as hereinafter provided. And the county commissioners shall set apart such portion of the road tax by them levied as they may deem proper to be applied to the building or repairing of bridges in their respective counties, which proportion so set apart shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county, by the auditor of the county, in a separate column from the other levies for road purposes, and shall be collected in money and expended under the direction of the commissioners of the county in the building or repairing of bridges, or both.

Br

SEC. 18. That if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property of their respective townships, not exceeding three mills on the dollar, and shall certify the same to the county auditor in writing, on or before the first Monday of June in each year; and the auditor of the county shall assess the same on the taxable property in the township not included in any city, town or incorporated village, and the same shall be collected in the December installment, and paid out as other taxes, except as hereinafter provided.

Additional  
road tax.

SEC. 19. That the auditor of each county, immediately after the county commissioners and trustees of townships at their annual sessions for that purpose, have determined the amounts to be assessed for road purposes in their respective counties and townships, shall give notice in some newspaper in general circulation in the county of the per centum on each hundred dollars of the valuation so determined to be assessed in such county and township respectively, and that said tax may be discharged by labor on the roads under the direction of the supervisors of the several districts, and shall make out a list of the name of each tax payer, of the amount of the road tax with which each stands charged, and transmit the same to the clerk of the proper township.

Duties of  
county au-  
ditors.

SEC. 20. That it shall be duty of the township clerk, immediately after the reception of such list, to make out and deliver to each supervisor aforesaid an abstract of the amount of road tax each person in said district is charged with.

Duty of  
township  
clerks.

SEC. 21. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged, within the time designated in this act, at the rate of one dollar and fifty cents per day, and a ratable allowance per day for any team and implements furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person, and the county

Rate per day  
for labor.

Certificates.

Taxes to be expended in townships where collected, etc.

treasurer shall receive all such certificates as money in the discharge of said road tax. All road taxes collected by the county treasurer shall be paid over to the treasurer of the township from which the same were collected, and shall be expended on the public roads in the township from which the said taxes were collected, under the direction of the trustees of the proper township, and all funds heretofore levied for road purposes, and not expended, shall be expended by the trustees as other taxes collected under the provisions of this act.

Passways for use of landholders.

SEC. 22. That any landholder through whose land any state, county or township road is now or may be hereafter laid out and established, is hereby authorized, under the direction of the supervisor of the proper district, to construct a passway or passways, either over or under such road or roads, so as to permit the stock of such landholder to pass and repass; provided, that such passway or passways shall not be constructed over or under any road within the limits of the outlots of any city, town or village, and shall not hinder or obstruct the travel on such roads; provided, further, that the said passway or passways shall be kept in good repair at the expense of such landholders.

How vacancy in office of supervisor to be filled.

SEC. 23. That when any vacancy shall occur in the office of supervisor by death, resignation or otherwise; the trustees of the township wherein such vacancy occurs, shall appoint some suitable person to fill such vacancy; the person so appointed shall, before entering upon the duties of his office, take an oath or affirmation to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as though he had been duly elected and qualified.

Penalty of supervisor for refusal or neglect to perform duty.

SEC. 24. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretence whatever, give or sign any receipt or certificate, purporting to be a receipt or certificate for labor or work performed, or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit, for every such offense, not less than five dollars nor more than fifty dollars, to be recovered by an action before any justice of the peace within the township where such supervisor may reside; and it is hereby made the duty of the trustees of the township to prosecute all offenses against the provisions of this section; provided, that if any supervisor conceives himself aggrieved by the judgment of such justice of the peace, he may, on giving sufficient security to said justice for the payment of costs, appeal to the court of common pleas, who shall make such order therein as to them may appear just and reasonable.

No work to be done on roads not established by law.

SEC. 25. That it shall be unlawful for any supervisor to perform or cause labor to be performed on any road not regularly laid out and established by law.

SEC. 26. That each and every supervisor who shall cut and take any timber, stone or gravel, for the purpose of making, improving or repairing any road or building, or repairing any

bridge or crossway within his district, shall, on demand of the owner or owners of the lands, their agent or agents, or the guardian or guardians of any ward, or the executor of any will having the lands in charge, from which timber, stone or gravel were taken as aforesaid, shall give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.

Supervisor shall give certificate for timber, gravel, etc., used.

SEC. 27. That any person or persons who shall receive a certificate as provided for in the foregoing section, shall present the same to the county commissioners of the proper county at any regular session of said commissioners, within twelve months after the taking and carrying away of such timber, stone or gravel, and the commissioners being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the county treasury; but if not so satisfied, they shall determine what sum, in their opinion, would be just.

County commissioners to redeem such certificates.

SEC. 28. That each supervisor shall receive for his services two dollars per diem for the time actually employed on the roads, deducting the commutation for his two days' labor.

Compensation of supervisors.

SEC. 29. That at any time during the year when any public highway shall be obstructed, it shall be the duty of the supervisor of the district in which the same may be, forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove said obstructions; if the person or persons thus called out shall have performed their two days' labor upon the public highways, or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

Supervisor shall cause obstructions to be removed.

SEC. 30. That it shall be lawful for the supervisor of road districts, bordering on the state line between Ohio and any adjoining state, when a public highway has been located upon such state line in accordance with and under the provisions of the laws of the state of Ohio, to apply the labor of said district upon said roads in the same manner as on other roads located within the boundaries of this state; and in case any public road is or shall be established as a part of the line or boundary of any township, or incorporated village or city, the trustees in such adjoining township or townships and council of such incorporated village or city, as the case may be, shall meet at some convenient place as soon after the first Monday of March as convenient, and apportion such roads between the two townships, or township and village or city, as justice and equity may require, and the trustees in their respective townships or village or city council, shall cause said road or roads to be opened and improved accordingly.

Duty of supervisor as to border roads on state, township or town lines.

SEC. 31. That if any person or persons, corporations, or any conductor of any train of railroad cars, or any other agent or servant of any railroad company shall obstruct, unnecessarily,

Penalties for obstructing roads and highways.

any public road or highway authorized by any law of this state by permitting any railroad car or cars, or locomotive, to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, lumber, wood or other obstruction to remain upon or across any such road or highway to the hindrance or inconvenience of travelers, or any person or persons passing along or upon such road or highway, every person or corporation so offending shall forfeit and pay for every such offense, any sum not exceeding twenty nor less than two dollars, and shall be liable for all damages arising to any person from such obstruction or injury to such road or highway, to be recovered by an action at the suit of the trustees of the township in which such offense shall have been committed, or any person suing for the same before any justice of the peace within the county where such offense shall have been committed, or by indictment in the court of common pleas in the proper county; and all fines accruing under the provisions of this section, when collected, shall be paid over to the treasurer of the township in which such offense was committed, and by the trustees applied to the improvement of roads and highways therein; and every twenty-four hours such corporation, person or persons as aforesaid, after being notified, shall suffer such obstruction, to the hindrance or inconvenience of travelers, or any person or persons going along or upon such road or highway, shall be deemed an additional offense against the provisions of this act.

How fines are  
to be disposed  
of.

Corporations  
liable for  
their em-  
ployes.

SEC. 32. That every railroad company or other corporation, the servant or servants, agent or agents, employe or employees of which shall, in any manner, obstruct any public road or highway, shall be liable to pay all fines which may be assessed against such servant or servants, agent or agents, employe or employees for so obstructing any such public road or highway, and such liability may be enforced by execution issued against such railroad company or other corporation on the judgment rendered against such servant or servants, agent or agents, employe or employees, for so obstructing such public road or highway.

Acts re-  
pealed

SEC. 33. That the act entitled "an act relating to roads and highways," passed February 27, 1867, and the act entitled "an act supplementary to an act entitled 'an act relating to roads and highways,'" passed February 27, 1867; passed April 8, 1867, be and the same are hereby repealed; provided, that such repeal shall not prevent the trustees of any township from executing any contract entered into by them under the acts hereby repealed for the purpose of repairing or building bridges, or for other purposes, and paying for the same out of the road funds of said township; and provided, further, that the first meeting of the township trustees shall be held on the third Monday of March, 1868, instead of the first Monday, as provided in the first section of this act.

Proviso.

When first  
meeting of  
trustees shall  
be held.

SEC. 34. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*

T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed March 9, 1868.

#### AN ACT

To amend section three of an act entitled "an act to restrain dogs from running at large at night, and for the protection of sheep," passed March 24, 1863, passed April 4, 1866, (63 Ohio Laws, 94.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the act entitled "an act to amend an act entitled 'an act to restrain dogs from running at large at night, and for the protection of sheep,' passed March 24th, 1863," passed April 4th, 1866, be amended so as to read as follows:

Section 3. That if any dog or dogs, owned, harbored, or kept by the same person, shall kill, worry, or injure any sheep, lamb, goat, or kid, the owner, harbored or keeper, of such dog or dogs shall be liable to the owner or owners of such sheep, lamb, goat, or kid, for all damage done by such dog or dogs. And if any dog or dogs owned, harbored, or kept, by two or more persons, or any two or more dogs, owned, harbored or kept by different persons, shall kill, worry, or injure any sheep, lamb, goat, or kid, the owners, harborers, or keepers of such dog or dogs, shall be jointly and severally liable to the owner or owners of such sheep, lamb, goat or kid, for all damage done by such dog or dogs.

Owner of dog or dogs liable for sheep, lambs, &c., injured or killed.

Owners of two or more dogs jointly and severally liable.

SEC. 2. That section three of the above recited act be and the same is hereby repealed; provided, that the repeal thereof shall not affect any rights acquired or liabilities incurred under said section.

SEC. 3. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*

T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed March 13, 1868.

## AN ACT

Supplementary to an act passed March 18, 1864, entitled "an act to amend and supplementary to an act entitled an act to provide for the organization, supervision and maintenance of common schools," passed March 14, 1853, and the acts amendatory thereto; also, supplementary to an act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto; also, supplementary to an act for the better regulation of the public schools in cities, towns, etc., passed February 21, 1849, and the acts amendatory thereto (vol. 61, O. L. 31), and to repeal an act so entitled, passed March 8, 1865. (Vol. 62, O. L. 39.)

When additional funds requisite for school purposes board of education to call special meeting of voters and submit question of additional levy.

Procedure in case of affirmative vote.

Levy may be continued annually until requisite amount is raised.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the board of education of any city, incorporated town or village, or separate or special school district, shall determine that it is necessary for the proper accommodation of the schools of such city, town or village, or separate or special school district, to purchase a site and erect a school house thereon, or to do either, and such board shall be of opinion that the purchase of such site and the erection of such house, or either of said purposes, will require a greater tax upon the property of such city, town or village, or separate or special school district, than such board is now authorized by law to levy, and that to provide the means therefor it will be necessary to issue bonds, such board shall make an estimate of the probable cost of such site and house, or of either, and call a special meeting of the qualified voters of the district over which such board has jurisdiction in the manner now provided by law, and submit to said voters at such meeting, the question of levying taxes for said purposes, or either of them, and the further questions whether the levy for such purpose shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site and the erection of said house, or of either, shall be raised; and if a majority of the qualified voters at such election shall vote in favor of levying taxes for said purposes, or either of them, of continuing the levy from year to year thereafter, and the amount to be levied each year for the purpose or purposes aforesaid, said board of education shall certify the same, annually, to the county auditor of the proper county, who shall place the same upon the tax duplicate in the same manner that other taxes certified by such board of education are required to be placed on such tax duplicate; and to enable such boards of education to anticipate the moneys to be raised by such taxation and to purchase such site and erect such school house, or to do either, they are hereby authorized to borrow the sum of money necessary for such purposes, or of either, and to issue bonds therefor, payable at the pleasure of said board after a certain day to be named therein, bearing interest, payable semi-annually, at a rate not exceeding eight per centum per annum.

SEC. 2. In all cities and incorporated towns and villages in which the board of education has heretofore submitted to the qualified voters thereof the questions specified in section one of the act repealed by section four of this act, and a majority of such qualified voters have voted in favor thereof as



s therein provided for, such board of education shall have power to continue the levy so authorized from year to year, until the actual cost of such school house is raised, and to issue bonds, as is provided for in this act; and all the other provisions of this act shall extend and apply to such cities and incorporated towns and villages.

SEC. 3. That the bonds issued by such board under this act, shall be in such sums as the board may determine, be numbered consecutively, made payable to the bearer, bear date the day of the sale thereof, and be signed by such board officially, and the clerk of the board shall keep a record of the number, date, amount and rate of interest of each bond sold, and the name of the person to whom sold, and the time when payable; which record shall, at all reasonable times, be open to the inspection of the public. The bonds so issued, shall in no case be sold for a less sum than their par value.

Character of  
bonds issued.

SEC. 4. That the act entitled "an act supplementary to an act passed March 18, 1864, entitled an act to amend and supplementary to an act entitled an act to provide for the organization, supervision and maintenance of common schools, passed March 14, 1853, and the acts amendatory thereto; also, supplementary to an act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto; also, supplementary to an act for the better regulation of the public schools in cities, towns, etc., passed February 21, 1849, and the acts amendatory thereto," passed March 8, 1865, be and the same is hereby repealed; provided, the acts done and contracts entered into by such boards of education under the act hereby repealed shall have the same validity, and be carried into effect in the same manner as though this act had not been passed.

Act repealed.

Proviso.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed March 13, 1868.

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#### AN ACT

To change the sub-divisions in the second judicial district, and to provide for the election of an additional judge in the first sub-division.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the counties of Butler, Preble, Montgomery and Darke, shall constitute the first sub-division; Champaign and Miami, the second; and Warren, Clinton, Greene and Clarke, the third sub-division of the second judicial district.

Subdivisions.

Assignment  
of judges.

SEC. 2. That the several judges now in office in the first, second and third sub-divisions of said district, as they are now constituted, and their successors in office, shall be the judges of the first, second and third sub-divisions respectively herein described; provided, that nothing herein shall be construed so as to interfere in any way with the holding of courts in said district as they are now held, prior to the second Monday of May, A. D. 1869.

Additional  
judge in first  
subdivision

SEC. 3. That for the second judicial district of the state of Ohio there shall be one additional judge of the court of common pleas, who shall be a resident of the first sub-division of said district, composed of the counties of Butler, Preble, Montgomery and Darke, to be elected by the qualified voters of said counties as herein provided.

First elec-  
tion of judge  
and his term.

SEC. 4. That the first election for said additional judge shall be held on the first Monday in April, A. D. 1868, and his term of office shall commence on the second Monday in May thereafter.

Duty of  
sheriffs.

SEC. 5. That it shall be the duty of the sheriff in each county in said sub-division, at least fifteen days prior to the first Monday of April hereafter in each year, when an election for such additional judge is to be held, to give notice by proclamation of the time and place of holding such election, which shall be conducted and the returns thereof made in the same manner as required by law in case of the election of other judges of the court of common pleas, except that the abstract and certificate of the election shall be transmitted by the clerk of the court of common pleas of Montgomery county to the secretary of state, who shall certify the same to the governor, and thereupon the governor shall issue a commission to the person elected such judge.

Salary,  
powers and  
duties of  
judge.

SEC. 6. The said additional judge shall receive the same salary as other judges of the court of common pleas, and when so elected and qualified, he shall have in all respects the same powers and jurisdiction, and discharge all the duties as are conferred and enjoined by the constitution and laws of this state upon the judges of said court; and any vacancy that may occur in the office of such additional judge by death, resignation or otherwise, shall be filled as in other cases of vacancy in the office of judge of said court.

Vacancy.

SEC. 7. That the act entitled an act to change the sub-divisions in the second judicial district and to provide for the election of judges therein, passed April 2, 1866, be and the same is hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed March 13, 1868.

## AN ACT

To amend an act entitled an act to incorporate savings societies, passed April 16, 1867. (Laws, vol. 64, p. 184.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twelve (12) of the above recited act be so amended as to read as follows:

Section 12. The funds of such society may be invested in first mortgages of real estate situate in this state, in sums not exceeding half the value thereof, exclusive of buildings, or in the public funds of this state or of the United States, or may be loaned on notes with a pledge of any of the aforesaid securities; provided, however, that when any loan shall be made on note or notes, with a pledge of state or United States funds or stocks as collateral security therefor, such loan shall in no case exceed in amount the par value of the said funds or stocks so taken as collateral; and provided, also, that when any loan shall be made on note or notes, with any first mortgage of real estate as collateral security therefor, such loan shall in no case exceed in amount one-half the value of the mortgaged premises, exclusive of buildings.

Investment  
of funds.

Rate of  
value.

SEC. 2. That said original section twelve be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 19, 1868.

## AN ACT

Supplementary to the act entitled "an act to establish a code of civil procedure," passed March 11, 1853 (S. & C. Stat. 940.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any case in which a judgment has been or may hereafter be rendered in any court of record within this state, against two or more persons, in which it is certified that one or more of said persons against whom such judgment was rendered, are surety or sureties, or bail, such surety, sureties, or bail, if he, she or they shall pay such judgment, or any part thereof, the surety, sureties, or bail paying the same, shall, to the extent of such payment, stand in the place of and have all the rights and remedies against such principal debtor or debtors that the plaintiff therein was entitled to at the time of such payment; and if such judgment, at the time of such payment, is or thereafter shall become dormant, the same right to revive the same that such plaintiff might have been entitled to.

Rights of  
sureties or  
bail on judg-  
ment.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 19, 1868.

#### AN ACT

Supplementary to an act entitled "an act authorizing cities of the second class to create new wards and define the boundaries thereof in certain cases," passed March 21, 1863. (O. L., vol. 60, p. 25.)

Re-district-  
 ing into  
 wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the population of any city of the second class having a population less than twelve thousand at the last federal census, has heretofore or shall hereafter be so increased or diminished as to render, in the opinion of the city council of such city, a re-districting into wards, or an increase in the number of wards thereof necessary, such re-districting may be done by an ordinance for that purpose passed by the city council of such city; and whenever any such change in the number of wards, or alteration of the boundaries thereof shall be made, there shall be elected at the next ensuing annual election in such city, two trustees for each of said wards not already represented in such city council in accordance with the provisions of section fifty-nine of the act to provide for the organization of cities and villages, passed May 3, 1852: provided, that this act shall not be construed to limit or abridge the term or terms of any member or members of the city council of any such city; and whenever it shall so happen that by reason of the alteration authorized by this act, the member or members of the ward in which such member or members may reside shall be changed, he or they shall be deemed and taken to represent that ward in which he or they may after such change reside.

Election of  
 trustees.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

March 19, 1868.

#### AN ACT

To transfer certain duties and powers from the governor to the trustees of the deaf and dumb asylum.

Transfer of  
 duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the duties enjoined and the powers conferred upon the governor by the provisions of an act entitled "an act to provide for the erection of a new building for the

institution for the deaf and dumb," passed March 23, 1864, so far as the exercise of said powers and duties may be necessary for the completion of said building and the fulfillment of what remains to be done under said act, be and the same are hereby transferred to and conferred upon the board of trustees of the institution for the education of the deaf and dumb, and said board shall in all respects, so far as the same may be applicable, be governed by said act of March 23, 1864; and they are hereby required to report to the governor a detailed statement, accompanied with the proper vouchers, for all moneys that may be expended in the completion of the same.

Trustees to  
report to  
governor.

SEC. 2. That the governor is hereby authorized and required, upon the passage of this act, to deliver to said board of trustees all books, contracts, vouchers, and other papers connected with the erection of said building.

Bonds,  
vouchers,  
etc., to be  
transferred.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 19, 1868.

#### AN ACT

To punish and suppress prize fighting.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall actually engage as a principal in any premeditated fight or contention, commonly called a prize fight, every person so offending shall, on conviction, be imprisoned in the penitentiary and kept at hard labor not less than one year nor more ten years, and pay the costs of prosecution.

Punishment  
of principals.

SEC. 2. That if any person shall engage, be concerned in, or attend any such fight or contention as is described in the first section of this act, as backer, trainer, second, umpire, assistant, or reporter, every person so offending shall, on conviction, be fined in any sum not less than fifty dollars nor more than five hundred dollars, and imprisoned in the jail of the county not less than ten days nor more than three months, and pay the costs of prosecution.

Aiders and  
abettors.

SEC. 3. That if at any time the sheriff of any county, constable of any township, or marshal, or other police officer of any city or incorporated village, shall have reason to believe that any person within his bailiwick is about to engage as principal in any fight or contention described in the first section of this act, or is in preparation or training to engage as principal in any such fight or contention, he shall forthwith arrest such person and conduct him before any judge of the court of common pleas, or justice of the peace, or

Duties of  
sheriffs, con-  
stables, &c.

Duties of prosecuting attorneys, judges, &c.

Bonds of suspected persons.

Conditions of discharge.

Recognizance to be certified to court, &c.

Sheriff to arrest suspected persons.

Expenses—how paid, &c.

mayor of any city or incorporated village in his county, and give notice to the prosecuting attorney, whose duty it shall be to immediately attend before said judge, justice or mayor, and, upon the proper affidavit being filed, prosecute the complaint; and thereupon the judge, justice or mayor shall inquire into the truth of such charge, and if he shall find it true, he shall require the accused to enter into a recognizance, with sufficient sureties, residents of this state, to be approved by such judge, in a sum not less than five hundred nor more than ten thousand dollars, conditioned that the accused will not engage in any such fight or contention within the period of one year from and after the date of such arrest, and in default of such recognizance, such judge, justice or mayor shall commit the party accused to the jail of the county, there to remain until he gives such recognizance, with such sureties; provided, that if after the expiration of one month the person so confined is unable to enter into such recognizance, any judge of the court of common pleas or probate judge of the proper county may discharge such person on his own recognizance, in the same amount and with the same conditions, on proof satisfactory to such judge, by the affidavit of the accused, and other evidence, that the person so confined will not engage or be concerned in any such fight or contention within the time limited in said recognizance.

SEC. 4. That every such recognizance or affidavit taken shall be by such judge, justice or mayor, certified to the court of common pleas of the proper county, where the same shall be recorded; and any prosecuting attorney who shall receive information, or have reason to believe, that the condition of any such recognizance has been broken, shall immediately bring suit thereon in any county of this state, collect the amount due thereon, and pay the same into the treasury of the proper county.

SEC. 5. That if any sheriff shall have information and reason to believe that such fight or contention as is described in the first section of this act is about to take place within his county, he shall forthwith summons a force of citizens of the county sufficient for the purpose and suppress such fight or contention, and arrest all persons present thereat who may be found violating any of the provisions of this act, and take them before some judge of the court of common pleas, justice of the peace or mayor, to be dealt with as provided by law.

SEC. 6. All the expenses of carrying into effect the provisions of the third, fourth and fifth sections of this act shall, in the first instance, be paid out of the county treasury, on a certificate of a judge of the court of common pleas, justice or mayor, before whom such examination shall be had; and such court shall proceed, upon finding such charge true, to collect from the person or persons against whom said complaint was found true, all the costs in said proceedings, to be taxed as in other criminal proceedings, in the manner provided by law for collecting fines and costs in criminal cases, and shall pay the same when collected into the treasury of the proper county on the certificate of the county auditor;

and any judge of the court of common pleas who shall have reason to believe that any provision of this act has been violated, shall give the same specially in charge to the grand jury.

SEC. 7. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 19, 1868.

#### AN ACT

To authorize the board of public works to enlarge the culverts on the Miami and Erie Canal.

WHEREAS, In answer to joint resolution of the general Preamble.  
 assembly of the state of Ohio, passed April 13th, 1867, the board of public works, by the resident engineer to whom said resolution was referred, reports that in Paulding county, one and a half miles west of Antwerp, at a point where the Wabash Valley railroad crosses the Miami and Erie canal, there is a large tract of land lying on the south side of said canal, which is covered by water throughout all wet seasons of the year, and can only be drained by ditching to the Maumee river, which will require a sufficient culvert under said canal; and

WHEREAS, Said engineer further reports, that about six and one-fourth miles west of Junction there is about ten thousand acres of fertile land that is utterly valueless for agricultural purposes for want of a general and effective system of drainage, the natural outlet of which is by the way of Six Mile creek; and

WHEREAS, Said canal, with insufficient culverts, is in the way of drainage in the direction mentioned; and

WHEREAS, There is, near mile stone No. 169, a culvert too small, the water not only overflows the land, but also the berme bank of the canal, causing great inconvenience and loss to inhabitants along said canal in consequence of said overflow; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are authorized and required to enlarge and improve the culverts and aqueducts on the Miami and Erie canal, in accordance with plans or suggestions of the resident engineer as laid down in the report of board of public works, conforming as near to the same as will be to the interest of the state, and the inhabitants along said Miami and Erie canal, or remove the cause of injury from overflow by any other means that may be

Board of public works to enlarge and improve culverts, &c.

effectual at the least practical cost not exceeding twenty thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 19, 1868.

#### AN ACT

To authorize cities of the second class, and the townships in which the same may be situated, to unite in the purchase and improvement of land for cemetery purposes.

Authority to  
city councils  
and town-  
ship trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the council of any city of the second class, and the trustees of any township in which such city is situated, to unite in the establishment of a cemetery by the purchase of land therefor, not exceeding one hundred acres in extent, at a cost not exceeding twenty thousand dollars, to be paid for by such township and city as hereinafter provided.

Trustees may  
issue and sell  
bonds.

SEC. 2. That for the purchase of the land and improvement of the same as cemetery grounds, the trustees of said township shall have power, and they are hereby authorized, to issue and sell the bonds of said township, with coupons attached, drawing a rate of interest not exceeding seven per centum per annum, interest payable annually or semi-annually, and redeemable within ten years after their date; which bonds shall pledge the faith of said township for the payment of the principal and interest when due. The bonds and coupons to be signed by the clerk of said township under the direction of the trustees thereof.

And levy a  
tax to pay  
said bonds.

SEC. 3. That for the payment of said bonds and interest thereon, the trustees of said township shall have power, and they are hereby authorized, to levy a tax upon the whole taxable property of said township, including said city, a sum not exceeding one mill on the dollar of such taxable property, annually, for the payment of the interest and redemption of the bonds; said tax so levied to be, by said township clerk, certified to the auditor of the county in which said township is situated, and to be by him levied and thereafter collected as other taxes.

Meeting of  
council and  
trustees.

SEC. 4. The trustees of such township and the members of city council shall meet at the council-chamber of such city during the month of May of each year, and determine the rate of tax to be levied for the purpose herein required; and upon the passage of a joint resolution by a majority of said trustees and members of city council, fixing the rate of taxation, it shall thereupon be the duty of said trustees of the



township to cause the levy so agreed upon to be made and duly certified to by the township clerk as aforesaid. And in order to secure the joint meeting of the trustees of the township and the members of the city council, a reasonable notice shall be given by either the council or trustees for that purpose, and it shall be the duty of said trustees and council to meet at the time fixed by said notice.

SEC. 5. The title to such cemetery shall be made to vest in and be held in common by such township for the use of the inhabitants thereof, and free permission shall be granted for the interment in such cemetery of all persons buried at the expense of such township.

Title, and purposes of cemeteries.

SEC. 6. The city council of any such city may provide by ordinance for laying out the lands so purchased, in lots, avenues, alleys, or other sub-divisions as shall be deemed expedient; which lots shall be numbered and avenues named, and a plat thereof made, and recorded in the recorder's office of the county in which said cemetery is situated, and also a copy thereof kept in the office of the clerk or recorder of such city.

Improvement of cemeteries.

SEC. 7. For the purpose of defraying the expense of purchasing, improving and embellishing such cemetery, the superintendent, hereinafter authorized, may sell at private sale or public vendue, from time to time, such number of lots in such cemetery and upon such terms and conditions as may be deemed advisable, and may execute to such purchasers such certificate of conveyance as may be necessary to carry into effect said contract of sale; and such conveyance shall, at the expense of the purchaser, be recorded in a book, to be kept for that purpose, by the clerk of such city.

Lots may be sold to pay expenses.

SEC. 8. The council of any such city owning a cemetery in common with the township as aforesaid, shall have full power and authority to pass and enforce all ordinances necessary to carry into effect the provisions of this act, and to pass such ordinances as may be deemed necessary for the preservation and regulation of such cemetery and the protection thereof, and for the punishment of any person or persons violating the ordinances, rules or regulations of such cemetery; and the mayor of such city shall have full and complete jurisdiction to enforce all such ordinances, although such cemetery grounds may not be located within the corporate limits of such city.

Ordinances to carry into effect provisions of this act.

SEC. 9. The trustees of the township and the members of the city council shall meet at the council-chamber of such city council on the first Monday in April in each year, and appoint one superintendent, to take charge of such cemetery, under such rules and regulations as may from time to time be prescribed by the joint action of the council and the trustees convened; and in case a vacancy for such superintendent exists, from any cause, the said council and trustees shall have power to fill the same at any joint meeting.

Superintendent to be appointed.

SEC. 10. The trustees of such township, or the city council of such city, may at any time call a joint meeting of the trustees and council of such city, by a reasonable notice given by either, for the purpose of making rules and regula-

Joint meeting of trustees and council.

tions, or changing the same, for the government of said superintendent or for removing him, and for making such orders or rules as may be necessary for the application of the proceeds of the sale of lots in the payment of interest or principal of the debt incurred in the purchase of such cemetery grounds; and when so convened, each member of the trustees and city council shall have an equal vote in determining all questions.

Additional  
officers.

SEC. 11. The trustees of the township and city council are hereby authorized to appoint such additional officers, besides the superintendent heretofore authorized, as they may deem necessary for the management of such cemetery grounds and the protection thereof, and confer power upon any person or persons so appointed, to make arrests of any person or persons violating the rules or ordinances relating to such cemetery.

Bonds may  
be required.

SEC. 12. The trustees and city council are hereby authorized, in their discretion, to require any person or persons appointed by them, to enter into a bond, with good and sufficient securities, conditioned for the faithful performance of their duty as required by law and the rules and ordinances, and to pay over all moneys by them received, which bond shall be filed and safely kept by the clerk of the city council.

SEC. 13. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 20, 1868.

#### AN ACT

To amend an act to provide for the organization, supervision and maintenance of common schools, passed Feb. 21, 1867. (See Ohio Laws, vol. 64, pp. 22 and 23.)

When township board of education may make separate estimate of cost, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township board of education of any township in the state shall have power, during the years 1868 and 1869, when, in their opinion, justice and equity require it, to estimate separately, the cost of purchasing a school house site, and erecting or repairing a school house thereon, in any particular sub-district or factional sub-district of the township, wherein the inhabitants have not heretofore borne a reasonable share of the burthen of taxation for such purpose, in comparison with other sub-districts in the township, and certify such portion as they may deem just and equitable of the amount of such estimate to the county auditor of the proper county, together with a map of the lands, and the names of the tax-payers in any such sub-district, which amount so certified shall be assessed by the auditor on the property therein subject to taxation, and placed on

the county duplicate specially, and be collected and paid over in the same manner as other school taxes, and be applied for the specific purpose of providing a school house in such sub-district; provided, that such tax shall not be assessed in any sub-district which may be hereafter created, unless the said sub-district shall be composed in whole of territory upon which such tax has not heretofore been levied. Proviso.

SEC. 2. That the above recited act be and the same is hereby repealed; provided, such repeal shall not affect rights acquired or proceedings pending under said act.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives:*  
J. C. LEE,  
*President of the Senate.*

Passed March 26, 1868.

#### AN ACT

In relation to the rights and liabilities of owners, lessors, and of lessees and occupants of buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the lessee of any building which shall, without any fault or neglect on his part, be destroyed, or be so injured by the elements, or other cause, as to be unfit for occupancy, shall not be liable to pay rent to the lessor or owner thereof, after such destruction or injury, unless otherwise expressly provided by written agreement or covenant, and the lessee shall thereupon surrender possession of the premises so leased. Lessee shall be released when building becomes untenable, &c.

SEC. 2. This act to take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868.

#### AN ACT

To amend section seven of an act entitled "an act establishing boards of county commissioners, and prescribing their duties," passed March 12, 1853. (S. & C., vol. 1st, p. 244.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section VII (7) of the above recited act be and the same is hereby amended so as to read as follows:

Section 7. That the board of commissioners in the several counties in this state shall be capable of suing and being sued, pleading and being impleaded, in any court of judi-

Powers and duties of county commissioners.

cature within this state ; and they are hereby authorized and required to ask, demand and recover, by suit or otherwise, any real estate, or any interest therein, whether the same be legal or equitable, belonging to their respective counties, or any sum or sums of money, or other property due to such county, on account of advances made by them on any contract with any person or persons, for the erection or repair of any public building, or bridge, or other work, or any other contract or obligation which, by the provisions of any law of this state, they are authorized to enter into, and in like manner to sue for and recover in money, for any damage that may be done to the property of the county, or the value or amount of any labor, or article of value subscribed instead of money to aid in erecting or repairing public buildings or bridges, where such labor or articles of value, upon their requisition, shall not have been performed, delivered or paid in a reasonable time, and the money so recovered in any case shall be by them paid into the treasury of the county, and they shall take the treasurer's receipt therefor, and file the same with the auditor of the county.

SEC. 2. That said section VII (7) of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect upon its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 30, 1868.

#### AN ACT

To provide for the transfer of the custody and control of the Western Reserve and Maumee State Road, in trust, to the counties through which said road is located.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Western Reserve and Maumee state road be and hereby is withdrawn from the operation and effect of the joint resolution of the general assembly, passed April 11, 1867, directing the extension of the lease of the public works of the state of Ohio, in accordance with the reservations and provisions contained in said resolution; on condition, however, that such withdrawal shall not take effect unless the said road is accepted by the county commissioners as hereinafter required.

SEC. 2. That whenever and as soon as the county commissioners of the counties of Sandusky and Wood shall officially accept, and deposit a certificate to that effect with the secretary of state of the state of Ohio, the Western Reserve and Maumee state road shall be thereby transferred, in trust, to said counties, from and after the first day of June, A. D. 1871; provided such acceptance shall be filed on or before the first day of March, A. D. 1871.

W. R. & M.  
road with-  
drawn from  
resolution  
authorizing  
re-lease, &c.

When said  
road shall be  
transferred  
to Sandusky  
and Wood  
counties.

SEC. 3. That all the authority, powers and control which is now, or was vested in the board of public works under the laws of this state prior to the leasing of said public works, having reference and applicable to said road, shall be vested in the county commissioners of the respective counties, on filing the acceptance aforesaid; and the county commissioners of each county within which any part of said road is situated, shall respectively have the control and management of such portion of said road as is within their respective counties.

Powers of board of public works transferred to county commissioners.

SEC. 4. That after the filing of the acceptance aforesaid, the county commissioners of the several counties of Wood and Sandusky are hereby authorized and required to take charge of, and manage, and repair, and control so much of said road separately as lies within their respective counties, from time to time to determine and prescribe the rates of toll necessary to keep said road in proper repair, to determine the number and location of toll gates, and appoint the necessary number of gate keepers in their respective counties, and prescribe the duties and compensation of such.

Commissioners required to take charge of said road, &c.

SEC. 5. The county auditor and county treasurer of the said several counties respectively, are hereby required, on the acceptance of said road and custody thereof taken as aforesaid, to open and keep a separate account, to be designated the Western Reserve and Maumee road fund. The respective gate keepers on said road shall, at the expiration of every month, and at such other times as may be ordered by the respective county commissioners, make out and file with the county auditor of the county in which his or her gate may be situated, a sworn statement of all the tolls collected by him or her during said month or other period ordered, and on certificate of the auditor shall pay all moneys so collected into the county treasury, take duplicate receipts therefor, and file one of said receipts with the county auditor.

Duty of county auditors and treasurers.

—and of gate keepers.

SEC. 6. That all tolls collected on said road shall be under the direction and control of the respective county commissioners wherein collected, and be by them expended for the repair or improvement of said road, and for no other purpose.

As to tolls.

SEC. 7. The present lessees of the public works of Ohio, are hereby authorized to transfer and assign the unexpired term of the original lease of the said Western Reserve and Maumee state road to the county commissioners of Sandusky and Wood counties, on such terms as said lessees and said county commissioners may agree, without impairing or violating any of the rights or obligations of said lessees in any respect, except the obligation in relation to said road; nor shall the release or assignment, if made by said lessees, of the unexpired term of the lease terminating June 1, 1871, of said road, release said lessees from any obligation or liability for rent or any other obligation provided for in said lease.

Lessees may transfer lease to county commissioners, &c.

SEC. 8. The county commissioners of the said counties of Sandusky and Wood, are hereby authorized and empowered to accept the transfer from the lessees of the public works of Ohio, the unexpired term of the original lease of the said

Commissioners may accept transfer, &c.

Western Reserve and Maumee state road; and if said transfer shall be made, the said county commissioners shall control and manage said road in the same manner as is provided in this act for the management and control thereof after June 1, 1871.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30th, 1868.

#### AN ACT

To amend section six of an act entitled an act to amend an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money, passed April 5th, 1859, passed February 25th, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of the above named act be amended to read as follows:

Section 6. Each person required by this act to list property shall make out and deliver to the assessor, when required, or within ten days thereafter, a statement, verified by his oath or affirmation, of all the personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, in his possession, or under the control of such person, on the day preceding the second Monday of April of that year, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; provided, that if any such person shall have converted moneys, credits or other personal property, in the year preceding the said second Monday of April, into bonds or other securities of the United States, or this state, not taxed, and shall hold or control said bonds or other securities when he is required to list his property, he shall list the monthly average value of said moneys, credits or other property thus converted, while such moneys, credits or other property was held or controlled by him; and provided further, that any indebtedness of such person or persons represented by him, created by investment in said bonds or other securities, shall not be deducted from the amount of credits in making up his list for taxation.

Statement  
 required of  
 person list-  
 ing property.

Proviso as to  
 conversion of  
 property into  
 untaxed  
 bonds, &c.

Sections  
 repealed.

SEC. 2. That section six of the above named act, and section three of an act supplementary to the act for the assessment and taxation of all property in the state, and for levying taxes thereon according to its true value in money, passed April 5th, 1859, and amend[ed] section six of said act, passed March 29th, 1861, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868.

#### AN ACT

To authorize city councils of cities of the second class, having a population of sixteen thousand and upwards at the last federal census, to borrow money and issue bonds for the purpose of purchasing ground and erecting a building thereon, for a city hall, and other purposes.

SECTION 1. *Be enacted by the General Assembly of the State of Ohio,* That the city councils, respectively, in all cities of the second class, having a population of sixteen thousand and upwards at the last federal census, are hereby authorized and empowered to appropriate any sum not exceeding one hundred and fifty thousand dollars, for the purpose of purchasing ground and erecting a building thereon, for a city hall, and other purposes; provided, such city council shall, before making such appropriation, at a general or municipal election for that purpose, submit to the qualified voters of such city the proposition to make such appropriation for such purpose; and provided further, that a majority of the votes cast at such election shall be in favor of making such appropriation.

Powers of  
 councils as to  
 the erection  
 of city halls,  
 &c.

SEC. 2. That for the purpose of raising the money necessary to meet any appropriation, as aforesaid, such city councils are hereby authorized and empowered to issue and sell the bonds of such cities, at not less than the par value thereof, in sums not less than one hundred nor more than one thousand dollars each, and in amount not exceeding in the aggregate the appropriation, as aforesaid, payable at the pleasure of such city councils, at a period not exceeding twenty-five years from the date thereof, and in such amounts and at such times as such city councils shall determine, and bearing a rate of interest, payable semi-annually, not exceeding seven per cent. per annum; and the money so raised shall be used for the purpose aforesaid, and for no other purpose whatever.

They may  
 issue and sell  
 bonds, &c.

SEC. 3. That for the purpose of paying the interest on said bonds as the same shall accrue, and the principal thereof when the same shall mature, such city councils are hereby authorized and empowered to levy a tax, annually, additional to the tax levied for all other purposes, upon the taxable property within the corporate limits of such cities, and certify the amount thereof to the auditor of the county in which such city may be located, which tax shall be placed by the auditor on the tax duplicate of such county, and collected in the same manner as other taxes are by law collected.

Payment of  
 interest.

SEC. 4. This act shall take effect and be force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868.

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AN ACT

Supplementary to "an act to regulate the election of state and county officers," passed May 3, 1852. (1 S. & C., 532.)

A third judge  
 of election  
 to be chosen  
*viva voce.*

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any election holden under the "act to regulate the election of state and county officers," passed May 3, 1852, in any ward of any city that now is or may hereafter be divided into wards, in addition to the judges of election provided for by the act to which this is supplementary, and the acts amendatory thereof, there shall be chosen *viva voce* by the electors present at the time and place of holding such election, a suitable person having the qualifications of an elector, to act as one of the judges of such election, so that the same shall be held by three judges. The judge so chosen shall, before entering upon the discharge of his duties, take the oath or affirmation prescribed by law.

SEC. 2. This act shall take effect and be force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868.

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AN ACT

To amend section six hundred and eleven (611) of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six hundred and eleven (611) of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853, be amended so as to read as follows :

Appointment,  
 powers and  
 duties of  
 master com-  
 missioner.

Section 611. The court of common pleas may appoint, in each county, such number of persons as shall be necessary, to be master commissioners, who shall hold their office for the term of three years, unless removed by the court for good cause. The master commissioners so appointed shall have power to administer all oaths required in the discharge



of their official duties or authorized to be administered by the laws of this state. The court may, upon motion of either of the parties, refer any action in which the parties are not entitled to demand a trial by jury, to a regular or special master commissioner, to take the testimony in writing and report the same to the court with his conclusions on the law and facts involved in the issues, which report may be excepted to by the parties, and confirmed, modified or set aside by the court. The master commissioner shall have the same power to summon and enforce the attendance of witnesses and to grant adjournments as the court upon such trial. The special master commissioner shall have power to administer all necessary oaths on the hearing before him.

SEC. 2. That section six hundred and eleven (611) of the above recited act be and the same is hereby repealed; provided, that no rights acquired thereunder shall be affected or impaired by such repeal.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 30, 1868.

#### AN ACT

To amend sections 1, 2, 4, 5, 6 and 11 of an act entitled an act to authorize the county commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867. (O. L. vol. 64, p. 80.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two, four, five, six and eleven of the above recited act be amended so as to read as follows:

Section 1. That the county commissioners of any county in this state shall have the power, as hereinafter provided, to lay out, construct, or improve by straightening, altering, grading, draining in any direction required to reach the most convenient and sufficient outlet, paving, planking, graveling or macadamizing any state or county road, or any part of such road within the limits of their respective counties.

Power of county commissioners in construction, &c., roads.

Sec. 2. Upon the presentation of a petition stating the kind of improvement prayed for, and the points between which the same is asked, signed by five or more of the landholders whose lands will be assessed for the expense of the same, and the filing of a bond signed by one or more responsible freeholders to whom the petitioners shall be responsible *pro rata* conditioned for the payment of the expenses of the preliminary survey, and report if the said improvement shall not finally be ordered, the commissioners shall appoint three disinterested freeholders of the county as viewers, and a competent surveyor or engineer to proceed, upon a day to be

When viewers and surveyors to be appointed.

County auditor to give notice, &c.

named by the commissioners, to examine, view, lay out or straighten said road, as in their opinion public convenience and utility require; and the county auditor shall notify said viewers and surveyor of the time and place of their meeting to make said view, and shall also give notice by publication, in a newspaper printed in said county, for three consecutive weeks prior to said meeting, which said notice shall state the time and place of said meeting, the kind of improvement asked for, the place of beginning, intermediate points, if any, and the place of termination.

Viewers and surveyor to report to commissioners.

Sec. 4. The viewers and surveyor or engineer, shall make a report to the commissioners at their next regular session, showing the public necessity of the contemplated construction or improvement, the damages claimed and by whom, and the amount assessed to each claimant, and an estimate of the expense of said improvement, and the lots and lands which will be benefited thereby and ought to be assessed for the expense of the same; provided, that no lands shall be so assessed which do not lie within two miles of the contemplated improvement; provided, further, that lands having once been assessed for the expense of any improvement made under the provisions of this act, shall not be reassessed under subsequent proceedings for an extension of the same, unless the prior assessment shall not be deemed proportioned to the whole benefit resulting to said lands.

Proviso.

When commissioners may order improvement made.

Sec. 5. Upon the return of the report mentioned in the last section, the commissioners shall, if in their opinion public utility requires it, enter upon their records an order that the improvement be made, which order shall state the kind of improvement to be made and the width and extent of the same, and the lands which shall be assessed for the expense of the same; but such order shall not be made until a majority of the resident landholders of the county, whose lands are reported as benefited and ought to be assessed, shall have subscribed the petition mentioned in the second section of this act. And in determining said majority, minor heirs shall not be counted for or against said improvement, unless represented by legal guardian; and the action of such guardian shall be binding upon such minor heirs, and all heirs, either adults or minors, to any undivided estate, shall only be entitled to one vote for or against said road improvement. If at any time after making such final order the commissioners shall find that there has been an omission of lots or lands within the territory sought to be assessed, or that there has been manifest injustice in the apportionment of taxes, or that public necessity requires any alteration in the manner of the improvement as ordered, they are authorized to make such addition and re-apportionment as they may deem just and proper, and such change in the improvement as will conform the same to the public requirement. After making such order for an improvement or for any change in the same, the commissioners shall appoint a competent engineer to superintend the performance and completion of said work, who shall, with the approval of the county commissioners, make a contract for the performance of the work, and the con-

Majority—how determined.

When addition and re-apportionment may be made.

Engineer to be appointed

tractor may at once enter upon the performance of said work under the superintendence of the engineer appointed as aforesaid; provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give such reasonable security for the proper performance of his contract within the time and manner described, as the county commissioners may deem expedient.

Sec. 6. The commissioners, when any such improvement shall be ordered, shall immediately appoint three disinterested freeholders of the county, who shall, upon actual view of the premises, apportion the estimated expense of said improvement upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom, and report the same to the county auditor; and in making said apportionment, they shall take into consideration previous assessments made upon such real property for the improvement of said road, under the provisions of this act, and any benefit which will accrue to any land or lands by reason of drainage resulting from the making of said improvement. When the report of said committee shall be returned, the county auditor shall give notice of it by publication in some newspaper published and of general circulation in said county, and shall also give notice for at least three consecutive weeks of the time when the commissioners will meet at the county auditor's office to hear the same. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said report, they shall confirm the same, but if exceptions in writing have been filed by any of the owners of the lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of said commissioners shall be authorized to administer oaths to witnesses. After such hearing, they may either confirm said report, or change the same, or refer the same to a new committee of three disinterested freeholders. In case last named of a reference, the new committee shall, upon actual view of the premises, make their report of a new apportionment, or they may recommend the confirmation of the former report; and upon the return of their report to the county auditor, the same proceedings shall be had as upon return of the first report, except that there shall not be a re-reference to another committee. The final action of the commissioners shall be entered upon their records, together with the report as confirmed, showing how the said estimated expense has been apportioned upon the lands ordered to be assessed as aforesaid. The county auditor, before placing the said assessment upon the duplicate, shall add to or deduct from said estimate, *pro rata*, the amount that the actual expense shall be found to be, more or less, than the said estimate. The said assessments on land, under the provisions of this act, shall be placed upon a special duplicate, to be provided by the county auditor, at the expense of the county, for that purpose: Provided, that the costs and expenses of the pre-

Three freeholders to make apportionment, and report to auditor.

Auditor to give notice.

Meeting of commissioners to hear exceptions,

—and change or confirm report

Final action.

Expenses.

Assessment to be placed on special duplicate.

liminary survey, proceedings and report of said improvement, shall be paid out of the county treasury.

Subscriptions and donations.

Stone, gravel, etc., how obtained.

Appeal to common pleas.

Repeal of sections, and proviso.

Sec. 11. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction or improvement of said road; and the said commissioners shall have the power to contract for and purchase such stone, gravel, or other material, as may be necessary for the construction and keeping in repair said road; and if the commissioners and the owners of such stone, gravel, or other material, cannot agree on a price deemed fair and reasonable, the commissioners may apply to the judge of the probate court of the county to appoint appraisers to assess the value of said stone, gravel, or other material; and on the filing of such application, it shall be the duty of the probate judge of the county to appoint three disinterested freeholders, who, after being duly sworn to impartially assess the value of the said materials, or any part of the same, shall enter upon the premises of the owner or owners of said material, and assess the value thereof; they shall also assess the damages that will accrue to the owner or owners of said material by the removing of the same through his premises; the appraisers shall, within ten days after their appointment, return their award to the probate court; the judge of the probate court shall, upon the return of said award, on application of the commissioners, furnish them a copy of said award; thereupon said commissioners may enter upon the lands either inclosed or uninclosed, and remove such stone, gravel, or other material, as may be required to make a good road. An appeal from the decision of the appraisers may be allowed to the court of common pleas, if taken in thirty days after the rendering of said award; but such appeal shall not prevent the immediate entry upon the premises by the commissioners, for the purpose of taking said stone, gravel, or other material; and if the court of common pleas should render a judgment for not more than the appraisers' allowance, the appellant shall pay all costs and damages.

SEC. 2. Original sections 1, 2, 4, 5, 6 and 11 of the above recited act, to which this is an amendment, are hereby repealed: Provided that the repeal of said sections shall not affect any right or liability accruing or accrued, or any suit, matter, or proceeding had or commenced under the provisions thereof; and any work commenced under said sections shall be prosecuted and completed in the same manner as if said repeal had not been made: Provided further, that any proceedings now pending under said sections, may, at any stage thereof, be made to conform to the provisions of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 31, 1868.

## AN ACT

To amend "an act authorizing the appointment of metropolitan police commissioners in cities of the first class with a population less than one hundred thousand inhabitants at the last federal census," passed April 5th, 1866. (Ohio Laws, vol. 63, page 104)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, ~~five~~, six, eight, nine, eleven, twenty-one, twenty-three, twenty-six, twenty-nine and thirty-five of said act be amended so as to read as follows:

Section 1. That all powers and duties connected with, and incident to the government and discipline, in cities of the first class with a population less than one hundred thousand inhabitants at the last federal census, shall be as hereinafter more especially provided, vested in and exercised by a board of police in each city, composed of four commissioners of police, together with the mayor of said cities, who shall be *ex-officio* a member of said board and the president thereof, a majority of whom shall constitute a quorum for the transaction of business.

Cities of first class of less than 100,000 inhabitants may establish police.

Section 5. The said board of police shall at any time have power to appoint a superintendent of the police force, a captain of police, and one captain in addition for each fifty patrolmen called into service more than the first fifty, and a sergeant of police to each twelve patrolmen, and also regular or compensated patrolmen, not exceeding one to each one thousand inhabitants, as shown by the last federal census; provided, that the number of said patrolmen may be increased by and with the consent of the city council; and, provided also, that the said board shall have the power, in cases of emergency, to appoint as many special patrolmen as they may think proper, but such appointment shall be reported to and be subject to the action of the city council at its next meeting. The board may, from the patrolmen, appoint detectives, not exceeding three in number, one of whom shall be designated as chief of detectives, who shall act as secret police or detectives, and may, each, receive an additional compensation of one hundred dollars per year; and when, from any cause a vacancy shall exist in the number so first appointed, the board may appoint to said vacancy the patrolman which the record required to be kept, as hereinafter provided, shall show to be most meritorious. Said board shall also have power to remove any superintendent, captain, or chief of detectives, and for cause to be assigned on a public hearing, and on due notice according to rules to be promulgated by them, to remove or suspend from office, or for a definite time deprive from pay, any other member of such police force, to make rules and regulations for the discipline and government of said force, and shall cause the same to be published; and to make and promulgate general and special orders to said force, through the superintendent of police.

Appointment of superintendent, captain and patrolmen.

—and detectives

Power of removal, suspension, &c.

Section 6. That said board shall appoint some suitable person to act as secretary, who shall receive such annual salary as may be determined upon by the board of police,

Secretary of board and his salary.

General duties of police.	and shall perform such duties as are hereinafter provided, and shall hold his office during the pleasure of said board.
Duty of superintendent.	<p>Section 8. It shall be the duty of the board of police, and of the force hereby constituted, at all times of the day and night, within the boundaries of said cities, to preserve the public peace, to prevent crime, and arrest offenders, to protect rights of persons and property, to guard the public health, to preserve order, to remove nuisances existing in public streets, roads, places and highways, to report all leaks or other defects in water-pipes and sewers to the proper authorities, to provide a proper force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings and railway stations, and generally to obey and enforce all ordinances of the city council, criminal laws of the state and of the United States. Whenever any crime shall be committed in said cities, whether the person or persons accused or suspected of being guilty shall flee from justice or not, the superintendent of police shall immediately report to the chief of detectives all facts which may have come to his knowledge concerning the offense, or the accused or suspected parties; and the board of police may, in their discretion, authorize any person or persons belonging to the police force to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court having jurisdiction of the offense for trial.</p>
Rules and regulations of board	<p>Section 9. The qualification, enumeration and distribution of duties, mode of trial and removal from office of each member of said police force, except as provided in section 5, shall be particularly defined and prescribed by rules and regulations of the board of police; and no person shall be appointed</p>
Citizens only to be appointed.	to or hold office in the police force aforesaid, who is not a citizen of the United States and a resident of the city; and provided, that no sergeant or patrolman shall be removed there-
As to removals, or suspensions.	from except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; but the board of police shall have power to suspend any member of the police department of the city, pending the hearing of the charges preferred against him; and, provided, that whenever any vacancy shall
Vacancies, how filled	occur in the office of captain of police, the same may be filled by an appointment from among the persons then in the force as sergeants of police, and a like vacancy in the office of sergeant of police may be filled by appointment from among the persons then in office as police patrolmen. The
Compensation and salaries.	police commissioners shall receive no compensation for their services. The superintendent of police shall receive a salary of not exceeding fifteen hundred dollars per annum. Each
	captain shall receive a salary of not exceeding one thousand dollars per annum; and each sergeant a salary not exceeding nine hundred dollars. The pay of each police patrolman shall not exceed the sum of eight hundred dollars per annum.
	The pay in all cases shall be fixed by said board of police commissioners. The salaries shall be paid monthly to each

person entitled thereto. No member of the board of police, or of the police force, shall receive, or share in for his own benefit, under any pretense whatever, any present, fee, gift or emolument, for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of police; nor shall any such member receive or share in any fee, gift or reward from any persons who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county in which such cities may be situated; nor shall any such member, either directly or indirectly, interest himself or interfere in any manner whatever, in the employment or retainer of any attorney to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the person so offending shall be immediately removed from the police force.

Fees, gifts, &c., prohibited, except by special consent.

Interference prohibited.

Section 11. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the boards of police, to be paid and given for, or on account of extraordinary services of any member of the police force, and all money arising from the sale of unclaimed property or money, shall be paid into the city treasury, and shall constitute a fund to be called "the police life and health insurance fund," and the persons who shall from time to time constitute the boards of police, are hereby declared the trustees of said fund, and may invest the same as they shall see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose.

Rewards, fees, &c., how disposed of

Section 21. It shall be the duty of the board of police to prepare and submit to the city auditor on or before the first day of May in every year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city within the current fiscal year, which estimate shall be in detail, and shall be laid by the city auditor before the city council, and the same shall be, by the city council of said city, provided for in the general tax assessment, by levy to be laid on property in said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the "police fund," and shall be drawn out therefrom for police purposes of said city, under the fiscal regulations established by this act.

Expense of police provided for.

Section 23. No expenses, other than salaries and pay herein provided, shall be incurred by the board of police, except for rents, record-books, stationery, printing, telegraphing, badges, clubs and furniture of necessary rooms and stations, advertising, fuel and lights, and food for prisoners, unless the same shall be expressly authorized and provisions therefor made, as a city charge, by the city council of the city within which the expenditures become necessary. The books and accounts kept by said board shall at

What expenses may be incurred.

Books and  
accounts  
subject to  
inspection.

all times be subject to the inspection of the city council, and the city council may at any time require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

Monthly  
reports  
required.

Section 26. The superintendent of police shall make to the secretary of the board daily reports of such facts as may come to his knowledge from the patrolmen, and the secretary shall make to the board monthly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The board of police shall, on or before the first Monday in April, in each year, report in writing the condition of the police to the city council.

Removal of  
commission-  
ers.

Section 29. Either of said commissioners of police may at any time be removed by the city council, upon good cause being shown, three-fourths of all the members concurring, and in all cases where charges are made out against a commissioner, he shall have an opportunity to present evidence in his behalf.

Statutes  
repealed.

Section 35. All statutes, parts of statutes and provisions of law, inconsistent with the provisions of this act, are hereby repealed, together with all modes and qualifications of appointment to office as members of police departments, or of elections to office therein, inconsistent with the provisions of this act; such repeal [repeal], however, to take effect and become operative only when the board of police provided for by this act shall be duly organized, and a police force shall be appointed by said board and sworn into office. The president of the board of police shall notify the superintendent of police, in writing, and publish a notice in two daily papers of the city, stating the time of the organization of said police force.

Notice of or-  
ganization.

When and  
how cities  
shall be dis-  
tricted.

SEC. 2. That immediately after the passage of this act, it shall be the duty of the city council of cities of the first class, having a population less than one hundred thousand inhabitants, to provide by ordinance, to be passed by a vote of three-fourths of all the members, for dividing said cities into four districts, by wards, having reference to as equal an apportionment of population and contiguity of territory as may be, to be called police districts, which said districts shall be numbered one, two, three and four, which said districts shall not thereafter be changed except by ordinance passed by a vote of three-fourths of all the members of the council.

Election of  
police com-  
missioners.

SEC. 3. That at the next annual city election in said cities of the first class, having a population of less than one hundred thousand inhabitants, after the passage of this act, there shall be elected in each of said districts, by the qualified electors thereof, one member of the board of police commissioners, and of the four thus elected one shall serve one year, one two years, one three years, and one four years; and for the purpose of fixing their respective terms, they shall determine by lot, and at each annual city election thereafter, there shall be elected one member of said board, to be elected by the district in which the retiring member



was elected; and the commissioners so elected, together with the mayor as herein provided, shall constitute the board of police. That after the expiration of the term aforesaid, the term of office of the commissioners to be elected as herein provided shall be four years; and any vacancy which may happen in said board of commissioners, shall be filled by appointment by the remaining members thereof, to continue until the next annual city election; and said commissioners shall, before entering upon the duties of their office, be sworn to a faithful performance thereof.

Their term  
of office.

SEC. 4. That from and after the passage of this act, the powers of the metropolitan police commissioners then in office, in cities of the first class having a population of less than one hundred thousand inhabitants, shall cease, and the entire control of the police force of such cities shall vest in, and be exercised by the mayor thereof; and the mayor of any such city is hereby invested with such powers as are herein provided for the board of police commissioners, with full power to exercise the same, until said city shall be districted and commissioners elected and qualified as herein provided.

Powers of  
metropolitan  
police com-  
missioners  
annulled and  
vested in  
mayor.

SEC. 5. That the mayor of any city of the first class having a population of less than one hundred thousand inhabitants, shall have power to suspend any officer of the police force and appoint a person to perform the duties of such suspended officer until the next regular meeting of the board of police commissioners, when his action shall be submitted to said board, and the board shall determine whether such suspension shall be permanent, and if said board shall so determine, they shall proceed to make an appointment to fill the vacancy.

Powers of  
mayor in sus-  
pension of  
police.

SEC. 6. That all rules and regulations for the government of the police force established by the metropolitan police commissioners, as provided for by the act to which this is an amendment, not inconsistent with the provisions of this act, shall continue in force until altered, amended, or abolished by the board of police commissioners provided for by this act.

Old rules to  
continue in  
force until  
duly chang-  
ed.

SEC. 7. That sections one, two, three, four, five, six, eight, nine, eleven, thirteen, twenty-one, twenty-three, twenty-six, twenty-nine, and thirty-five, of the act to which this is an amendment, be and the same are hereby repealed.

Sections re-  
pealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 2, 1868.

## AN ACT

Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

**Consolidation of companies.** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any two corporations (organized and existing under and by virtue of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, and the acts supplementary and amendatory thereof, passed April 8, 1856, and February 14, 1861,") for the purpose of boring or digging for oil, salt or for other vegetable, medicinal or mineral fluid in the earth, and for refining or purifying the same, mining coal, ores and other minerals, or manufacturing the same in whole or in part, or both, may, by an agreement of the said corporations, duly ratified by the vote of a majority of the shares of stock in each, at any stockholders' meeting called and held in the manner provided in this act, be consolidated into one corporation. And when so consolidated shall constitute one corporation, taking the name of either for its corporate name, as shall be specified in such agreement, and shall possess all the rights, properties and franchises of both corporations, and shall be liable for the payment of all the debts of both corporations; and when so consolidated, such corporation shall have and exercise such rights, privileges and franchises as corporations originally organized under the said acts.

**Name of consolidated company.**

**Rights and liabilities.**

**Notice of meeting of stockholders** SEC. 2. That notice of a meeting to make such consolidation, shall be given by the secretaries of such companies by publication in a newspaper printed and published in the county where such corporations were organized, thirty days previous to such meeting; and the secretaries of such companies shall send by mail, to each of the stockholders of said companies, a printed copy of such notice when the residence of the stockholder is known. The publication and sending said notice to be certified by the secretaries of said companies upon the record books thereof.

**Increase of capital stock.** SEC. 3. That either corporation so consolidated may, by a certificate of its directors under its corporate seal, duly made to that effect, increase its capital stock to an amount not exceeding three times its original capital stock, for the purpose of carrying such agreement of consolidation into effect; that such certificate shall be filed in the office of the secretary of state, and be recorded in the proper county; that so much of the said increase of the capital stock as shall be necessary, shall be issued to the stockholders holding stock in the corporation which shall surrender its name, properties, rights and franchises under such agreement; that the owners of such stock in the company so surrendering its rights shall transfer the same to the consolidated corporation, and receive in place thereof new stock of the amount and in the manner specified in such agreement from the said consolidated corporation.

SEC. 4. That when such agreement for consolidation shall have been duly ratified in the manner in this act specified,

it shall be the duty of the president and secretary of the company which, by the agreement surrenders its name, properties, rights and franchises, to execute and deliver to the consolidated corporation, proper deeds, assignments and transfers, and conveying to the consolidated corporation all of the rights, properties and effects of the corporation so surrendering its name and properties, and from and after the execution of such transfers, the said corporation so agreeing to surrender its name and rights, shall cease to be a corporation or to exercise corporate rights.

Transfer of  
properties,  
rights, fran-  
chises, &c.

SEC. 5. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3d 1868.

#### AN ACT

To authorize building associations and other companies and associations to reduce their capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any building association, and any other association or company, excepting insurance companies, now existing or hereafter organized under any law of the state of Ohio, may reduce its capital stock in the manner hereafter mentioned, whether all or only a part of the capital stock mentioned in its certificate of incorporation shall have been subscribed.

Reduction of  
capital stock

SEC. 2. That before such reduction shall be made, a meeting of the stockholders shall be called by the officers or any three stockholders of such company, by a public notice published in some newspaper of general circulation in the county where such company has been or is being organized, for at least twenty days before the time appointed for such meeting, which notice shall specify the time and place of the meeting, and that the same is called for the purpose of reducing the capital stock of said company or association.

Meeting of  
stockholders.

SEC. 3. That at such meeting each stockholder who agrees to the reduction of the stock of such company, shall sign a certificate, and state opposite his name in appropriate columns, the number and value of the shares owned by him of the original capital stock of said company or association on the day of said meeting, and the number and value of the shares of the reduced capital stock owned by him after such reduction; said certificate shall also state the name and location of said company or association, the amount of its original capital subscribed, and the amount of its capital when reduced as aforesaid.

Stockholders  
to certify to  
number and  
value of  
shares.

Certificates  
of majority  
of shares re-  
quired.

SEC. 4. That if such certificate shall be signed by all the stockholders owning a majority of the shares of the original capital stock of such company or association then subscribed, such capital stock shall be reduced as therein stated, and such certificate shall be filed and recorded in the same manner and with like effect as the original certificate of incorporation of such company or association.

Interest of  
stockholders  
in property,  
&c., not to be  
affected, or  
liability les-  
sened.

SEC. 5. That no reduction of stock as aforesaid shall deprive any stockholder of his equitable interest in the property and franchises of such company or association, nor in any way release or lessen the liability, joint or several, of the owners of the original capital stock of such company or association, on the day it was reduced as aforesaid for all debts, claims and liabilities then existing against such company or association.

SEC. 6. That this act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3, 1868.

#### AN ACT

Supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853, and the acts amendatory thereof and supplementary thereto. (Page 1527, S. & C.)

Trustees of  
cemeteries.

Their term of  
office.

Their powers  
and duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities which, at the last federal census had a population exceeding twenty thousand, and less than one hundred thousand, there shall be a board of three trustees, having the qualification of electors and resident therein, to be known as the trustees of cemeteries, who shall be elected by the qualified electors of such city at the same time the other city officers are elected, and shall hold their offices for three years, and until their successors are elected and qualified, except that at the first election under this act, one shall be chosen for one year, one for two years and one for three years, and thereafter one shall be elected annually. All vacancies shall be filled by the city council, and the person so appointed shall hold his office until the next regular election.

SEC. 2. Said trustees shall have the management and regulation of all the cemeteries belonging to such city, subject to the ordinances of the city council, shall appoint all necessary officers or agents, determine their term of office and the amount of their salaries or compensation, and may make such by-laws and regulations, not inconsistent with the ordinances of the city, or the constitution and laws of the state of Ohio, as they shall deem useful and necessary for the management and protection of such cemeteries and the

burial of the dead therein, which by-laws shall have the same validity as the ordinances of the city, and shall do and perform all such other duties in relation to the cemeteries of such city as the city council shall by ordinance prescribe.

SEC. 3. This act shall take effect from its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 3, 1868.

#### AN ACT

To amend section 23 of an act entitled "An act to authorize county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 23 of the above recited act be amended so as to read as follows:

Section 23. That where the resident land owners along any road in this state reside in different counties, and wish, under the provisions of the above recited act, to improve the same, they shall petition the county commissioners of their respective counties, as required by the first section of the above recited act. It shall be lawful for the county commissioners of the different counties, as aforesaid, to join in carrying out the provisions of this act, to assess the tax upon each in proportion to the benefit derived, and as may be agreed upon by said commissioners; provided, that where resident land owners desire to make a free turnpike road on a county line between two or more counties in this state, and it shall so happen that there are no resident land holders in one or more of said counties, within the bounds of said proposed road, in such case a copy of the petition presented to the commissioners of the county in which there are resident land owners within the bounds of said proposed road (if the same is allowed, and the road established by the commissioners of said county), shall be presented to the commissioners of the county in which there are no resident land owners within the bounds of said road, and they shall act on the same in all respects as if said petitioners were residents of such county, and in pursuance of the act to which this is an amendment.

How roads improved when land owners reside in different counties.

Roads on county lines, how built, &c.

SEC. 2. That section 23 of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 3d, 1868.

## AN ACT

Requiring the return of statistics.

Statistics to  
be returned  
by assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several township, ward or precinct assessors shall annually, at the time of taking the lists of personal property for taxation, take from each person and company in his township, ward or precinct, a statement of the number of acres he or they may have had the preceding year in wheat, rye, barley, corn, oats and buckwheat, and the numbers of bushels of each produced the preceding year. The numbers of acres in timothy, grass, and the number of tons of hay produced therefrom the preceding year; the number of acres grown in clover, the number of tons of hay made from it, the number of bushels of seed obtained, and the number of acres of clover plowed under for manure; the number of acres planted in tobacco, and the number of pounds obtained; the number of tons of pig-iron manufactured and bushels of stone-coal dug; the number of acres sown in flax, number of pounds of fiber gathered, and the number of bushels of seed obtained; the number of acres planted in sorgo, the number of gallons of syrup manufactured, and the number of pounds of sugar obtained; the number of pounds of maple sugar made, and the number of gallons of syrup manufactured; the number of pounds each of butter and cheese manufactured; the number of acres planted in potatoes, and the number of bushels obtained; the number of acres planted in sweet potatoes, and the number of bushels obtained; the whole number of acres planted in vineyards; the number planted within the last year; the number of pounds of grapes gathered the last year; the number of gallons of wine pressed the last year; the number of pounds of wool shorn the previous year; the number of acres occupied as orchards, and the number of bushels of apples, peaches and pears produced the previous year; the number of acres used for pasturage the previous year, and the number of acres owned, but uncultivated within the township the previous year; the amount of all United States bonds; the amount of all state bonds or certificates of indebtedness of any kind, and the amount of all legal tender notes or other moneys now exempt from taxation by any law of the United States or any law of this state, owned or held by any person, firm, bank or incorporation, or by any other party whatever within this state. The assessor is hereby authorized to administer all oaths necessary to carry into effect the provisions of this act.

Return to be  
made to  
county aud-  
itor and  
auditor of  
state.

SEC. 2. The assessors shall make return of all the preceding statistics to their respective county auditors at the same time they return the list of personal property for taxation; and each county auditor shall make return of all such statistics returned to his office, to the auditor of state, on or before the first day of July annually; and the state board of agriculture and commissioner of statistics shall have access to the same at the office of the auditor of state.

SEC. 3. The act in relation to statistics of agriculture and mineral products, passed February 20th, 1864 (66 Ohio Laws, page 12), the act supplementary thereto, passed April 12th, 1866 (63 O. L., p. 67), and the fifth section of the act to provide for the election of township assessors, and to prescribe their duties, passed April 4th, 1859 (1st Swan and Critchfield's Stat., page 85), and the act to amend the seventh section of the act last aforesaid (59 O. L., p. 13), be and the same are hereby repealed.

Acts re-  
pealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3d, 1868.

#### AN ACT

Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any number of persons, as provided in the first section of said act, shall associate to form a company for the construction of a bridge across the Ohio river, they shall make a certificate, under their hands and seals, which shall specify as follows: 1. The name of said company, and by which it shall be known. 2. The name of the place where such bridge shall be built. 3. The amount of the capital stock of such company, and the number of shares of which said stock shall consist. Said certificate shall be acknowledged, certified, forwarded to the secretary of state and recorded, as provided in the second section of said act; and a copy thereof, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of said company.

Organization  
of company.

SEC. 2. That whenever the foregoing provisions have been complied with, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of said act, and of this supplementary act; and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, and shall have the same general corporate powers as are provided in the third section of said act, and shall be subject to all the restrictions hereinafter contained.

Corporate  
powers, &c.

SEC. 3. That the corporators named in said certificate, or any three of them, shall be authorized to open books for receiving subscriptions to the capital stock of said company, at such time or times, and at such place or places, as they

Subscrip-  
tions to cap-  
ital stock.

Meeting of  
stockholders,  
and election  
of directors.

may deem expedient, after having given at least ten days' notice in a newspaper published or generally circulated in the county where such bridge is to be built; and as soon as ten per centum of the capital stock shall be subscribed, they shall give notice for the stockholders to meet at such time and place as they may designate, for the purpose of choosing seven directors, who shall be stockholders in said company, and one of whom shall be president, to be named on the tickets when voted for by the stockholders, as aforesaid; said president and directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose at the time and place appointed, either in person or by lawful proxies; and each share shall entitle the owner to one vote, and a plurality of votes shall be necessary for a choice; but after the first election no person shall vote on any share on which any installment is due and unpaid. A majority of said directors shall form a board, and be competent to fill vacancies in their board, make by-laws, appoint officers and agents other than the president, and transact all business of the corporation. And a new election for president and directors shall be held annually at such time and place as the stockholders at their first meeting may determine, but a majority of the stockholders in interest may, at any regular annual meeting, change the time of the annual meeting of said company.

Annual election of president and directors.

Construction of bridges.

SEC. 4. That said company shall have full power to construct and maintain a bridge, as aforesaid, with suitable avenues or approaches leading thereto, and said bridge may be constructed either with a single span, or with a draw, as the company may determine; but in either case, in order that said bridge may not obstruct the navigation of said river, the same shall be built in accordance with the provisions of an act of congress, approved July 14, 1862, entitled "an act to establish certain post roads," or of any act that congress may hereafter pass on the subject.

Company may purchase or appropriate real estate.

Company responsible for injuries to private property.

SEC. 5. That said company shall have the power to purchase, or to appropriate in the manner provided by law, and hold, such real estate as in the opinion of the directors of said company will be required for the site of such bridge, and of suitable avenues or approaches leading thereto, or may locate the same on any public street, road or avenue; and said company shall be responsible for injuries done to private property, adjacent or near to such bridge, by its location and construction, which may be recovered in a civil action brought by the owner or owners at any time within two years from the completion thereof.

Rates of toll.

SEC. 6. That said company shall have the right to fix reasonable rates of toll and collect the same for all persons, animals, vehicles and property passing or transported over said bridge; provided, that such rates of toll shall at no time exceed those collected at the Covington and Cincinnati bridge, and that said company shall set up and keep in a conspicuous place at each end of said bridge a board on which such rates of toll shall be written, painted or printed, in a plain and legible manner.



SEC. 7. That said company may lay down a railway track or tracks upon said bridge and its approaches, and shall have the right to contract at any agreed sum or rate, with any railroad company organized in this state under any general or special law, or any railroad company organized in any other state of the United States for the use of said bridge, by the engines and cars, and for the purposes of said railroad company; and any such railroad company organized, or that may hereafter be organized in this state, is hereby authorized to enter into such contract with said bridge company; provided, however, that said bridge company shall not have the right to charge or collect from such railroad company for the use of said bridge in the transportation over the same, of cars, railroad passengers, and freights, a greater toll than the following: For each ton (two thousand pounds), of freight not exceeding fifteen cents; for each railroad passenger not exceeding fifteen cents; for each passenger, baggage, mail and express car not exceeding one dollar; for each eight wheeled freight car fifty cents; for each four wheeled freight car not exceeding twenty-five cents.

Bridge may be used by railway company.

Proviso as to tolls.

SEC. 8. That said company shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at any rate of interest not exceeding seven per cent. per annum, and may execute coupon bonds or other evidences of indebtedness therefor, and to secure the payment of the same, may pledge or mortgage all or any of the property, rights, income, profits and franchises of the corporation. And the directors of said company are authorized to sell, negotiate or pledge any bonds, notes or other evidences of indebtedness issued in the name of the company, to raise money thereon for the use of the company, at such times and at such places, either within or without this state, and for such prices and at such rates of discount as they may deem best; and the same or any portion thereof may be made and issued, convertible into stock of the company, on such conditions as the directors may prescribe. And upon the foreclosure of any mortgage made upon the bridge land and franchises of the company, and the sale of the property mortgaged, such sale shall pass to the purchaser or purchasers, the corporate franchises of such company, as fully as the company held them at the time such mortgage was executed.

Company may borrow money and issue bonds, &c.

SEC. 9. That any railroad company or other private corporation organized under any general or special law of this state, may become a subscriber to the capital stock of said bridge company, to an amount not exceeding one-third of such stock, or may purchase or take by way of pledge any of the bonds or other evidences of indebtedness issued by said bridge company.

Railroad companies or private corporations may become stockholders.

SEC. 10. That said company shall have the right to consolidate its capital stock with the capital stock of any bridge company in an adjoining state authorized to construct a bridge across the Ohio river, in the manner prescribed for the consolidation of railroad companies by an act passed April 10, 1856, entitled "an act to authorize the consolidation of railroad companies in this state with railroad com-

Consolidation of capital stock.

panies of states adjoining in certain cases, and to authorize railroad companies in this state to extend their roads into adjoining states," and the two companies shall thereupon be merged into one corporation, possessing within this state all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of such corporation of this state so consolidated.

Span and altitude of bridge.

SEC. 11. That any such company may fix or change the span and altitude of any bridge which it may erect and construct across the Ohio river; provided, that the span of any such bridge be not less than three hundred feet in the clear over the main channel, and not less than two hundred and twenty feet in the clear in one of the next adjoining spans, and the height of the bridge in the center of the span over the main channel shall not be less than one hundred feet above the surface of the water at low water measuring for such elevation to the bottom chord of the bridge, and such height above extreme high water mark, as may be provided in any act of congress now in force, or which may hereafter be passed; but this section shall not apply to any bridge built with a draw in accordance with the provisions of an act of congress, approved July 14, 1862, entitled "an act to establish certain post roads," or any act that congress may hereafter pass on the subject.

SEC. 12. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 3, 1868.

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#### AN ACT

To provide for the election of an additional judge of the court of common pleas for the third subdivision of the seventh judicial district.

Election of additional judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the seventh judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the third subdivision of said district, being the counties of Athens, Washington, Gallia and Meigs, and be elected by the qualified voters of said counties, at the next annual election for state and county officers, in the same manner and for the same time as prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, possess the same powers, and discharge the same duties as are conferred or enjoined by the constitution and laws of the state upon other

judges of said courts; and every vacancy that may occur in the office of such additional judge, whether by expiration of his term of service or otherwise, shall be filled as in other cases.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem of the Senate.*

Passed April 3d 1868.

#### AN ACT

Prescribing the duties of directors, trustees, commissioners or other officer or officers to whom is confided the duty of devising and superintending the erection, alteration, addition to, or improvement of any state institution, asylum, or other improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the directors, trustees, commissioners or other officer or officers to whom is confided by law the duty of devising and superintending the erection, alteration, addition to, or improvement of any state institution, asylum or other improvement, erected or now being erected, or to be erected by this state; such directors, trustees, commissioners or other officer or officers, before entering into any contract for the erection, alteration, addition to, or improvement, of such institution, asylum, or other improvement, or for the supply of other materials therefor, shall make, or procure to be made, a full, complete and accurate plan or plans of such institution, asylum or other improvement, or of any addition to, alteration or improvement thereof, in all its parts, showing all the necessary details of the work, together with working plans suitable for the use of the mechanics or other builders during the construction thereof, so drawn and represented as to be plain and easily understood, and also accurate bills showing the exact amount of all the different kinds of materials necessary in the erection thereof, addition thereto, or in the alteration and improvement thereof, to accompany said plan or plans, and also full and complete specification of the work to be done, showing the manner and style in which the same will be required to be done, and giving such directions for the same as will enable any competent mechanic or other builder to carry them out, and afford to bidders all needful information to enable them to understand what will be required in the construction, addition to, alteration or improvement of such institution, asylum, or other improvement, and to make or cause to be made, a full, accurate and complete estimate of each item of expense, and the entire aggregate cost of such institution, asylum, or other improvement, or of any addition to, alteration, or improvement thereof, when completed.

Plans of  
buildings or  
improvement.

Amount of  
material, &c.

Specifica-  
tion of  
work.

Estimate of  
expense.

SEC. 2. That such plans, drawings, representations, bills

Approval of  
general as-  
sembly or  
governor.

When notice  
may be given  
for proposals.

Awarding  
contracts.

When  
change of  
plans, &c.,  
may be  
made.

of materials and specifications of work, and estimates of the cost thereof, in detail and in the aggregate, as is required in the first section of this act to be made, shall be, when made, if the general assembly is then in session, submitted thereto for approval, and if the general assembly is not then in session, shall be submitted to the governor, auditor and secretary of state for their approval, and if approved by the general assembly or by said governor, auditor and secretary of state, a copy thereof shall be deposited and safely kept in the office of said auditor of state.

SEC. 3. That after such plans, descriptions, bills of materials, and specifications and estimates as are in this act required, are made and approved in accordance with the requirements of this act, it shall be, and is hereby made the duty of such directors, commissioners, trustees, or other officer or officers to whom the duty of devising and superintending the erection, adding to, alteration or improvement of such institution, asylum, or other improvement, as in this act provided, to give or cause to be given public notice of the time and place, when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvements, or for the adding to, altering or improvement thereof, and a contract or contracts, based on such sealed proposals will be made, which notice shall be published weekly for six consecutive weeks next preceeding the day named for the making of such contract or contracts, and in four or more daily papers having the largest circulation in the state, and shall state when and where such plan or plans, descriptions, bills and specifications can be seen, and which shall be open to public inspection at all business hours between the date of such notice and the making of such contract or contracts.

SEC. 4. That it shall be competent for such directors, trustees, commissioners or officer or officers, if for any cause they fail to make the contract or contracts as herein provided for, on the day named in the notice as in this act required, to continue from day to day until such contract or contracts are made; provided, that such contract or contracts shall be awarded to and made with the person or persons who shall offer to perform the labor and furnish the materials at the lowest price, and give good and sufficient bond for the faithful performance of their contracts in accordance with the plan or plans, descriptions and specifications herein required, which plan or plans, descriptions or specifications, shall be and are hereby made a part of such contract or contracts; and, provided further, that such contract or contracts shall not be binding on the state until they are submitted to the attorney general, and by him found to be in accordance with the provisions of this act and his certificate thereon to that effect made.

SEC. 5. That no change of the plan or plans, descriptions, bills of materials or specifications shall be made or allowed, after they are once approved and filed with the auditor of state as herein required, until such proposed change has received the approval of the general assembly, if in session,

and if not in session, the approval of the governor, auditor and secretary of state; and when so approved, the plan or plans of such change, with the description thereof and the specifications of the work and bills of material, shall be filed with the auditor of state in the same manner as required before such change was made, and no allowance whatever shall be made for work performed or materials furnished under such change of plan or plans, or descriptions or specifications, or bills of materials, unless before such labor is performed and materials furnished, a contract or contracts therefor is made, which contract or contracts shall show distinctly the nature of such change, and shall be subject to all the conditions and provisions herein imposed upon the original contracts, and be subject, also, to the approval of the attorney general, as hereinbefore provided.

SEC. 6. That in all cases where a contract or contracts has or have been made in accordance with the provisions of existing laws, and before the taking effect of this act, copies of such contract or contracts, with the plan or plans, descriptions, estimates, bill of material and specifications upon which the same are based, together with a distinct statement of the amount, kind and description of labor performed under such contract or contracts and of materials furnished, the amounts paid on account of such labor and materials, and the amount due thereon, showing by actual measurement the amount of the labor performed and materials furnished, shall be forthwith filed with said auditor of state, and all payments thereafter made on account of such contract or contracts shall be in accordance with the provisions of this act.

Copies of contract, plans, bills, &c., to be filed with auditor of state.

SEC. 7. That no contract or contracts shall be made for the labor or materials herein provided for, at a price in excess of the estimates in this act required to be made.

Prices not to exceed contracts.

SEC. 8. At the time or times named in the contract or contracts made and filed with the auditor of state, or which had been previously been made and filed with the auditor of state, in accordance with the provisions of this act for payment to the person or persons with whom such contract or contracts had been made, it shall be and is hereby made the duty of the directors, trustees, commissioners or other officer or officers to whom is confided the duty of superintending the erection of such institution, asylum or improvement, or of adding to, altering or improving the same, to make or cause to be made, a full, accurate and detailed estimate of the various kinds of labor and materials performed and furnished under such contract or contracts, with the amount due for each kind of labor and material, and the amount due in the aggregate, which estimate shall be based upon an actual measurement of the labor and materials so performed and furnished, which estimates shall, in all cases, give the amounts of the preceding estimate or estimates, and the amount of labor performed and material furnished since the last estimate, which estimate or estimates so made, as in this act required, shall be recorded in a book for that purpose to be provided, and kept or caused to be kept by the said directors, trustees, commissioners or other officer or officers, and a

Detailed estimate of labor and materials.

certified copy thereof addressed to the auditor of state by the said directors, trustees, commissioners, or other officer or officers, or as such person as they may designate for that purpose, delivered to the contractor or contractors entitled thereto.

Auditor of state to examine estimates and issue warrants.

SEC. 9. That it shall be the duty of the auditor of state, when such estimate, so certified as in this act required, is presented to him, to compare, or cause the same to be carefully compared, with the contract or contracts under which such labor or materials was done or furnished, and if there had been any previous estimates, then with such estimates; and if upon such comparison he shall find such last named estimates in all respects correct, he shall number the same, place the original on file and have a record thereof made, and give to the person or persons entitled thereto, taking his or their receipt therefor, a warrant on the treasurer of state for the amount shown by such estimate or estimates to be due, less the amount of five per cent. thereon which shall be retained as additional security for the faithful performance of such contract or contracts, and shall be forfeited to the state in the event of a failure by such contractor or contractors to conform in good faith to the terms and conditions of such contract or contracts; but where the labor to be done and performed under such contract or contracts is completed or materials furnished, and a final estimate thereof is made the auditor of state shall include in the warrant or warrants for the amount of such last estimate the per centage retained on former estimates as herein required; provided, that such per centage shall not [be] retained on estimates made under existing contracts unless the same is authorized by the terms thereof.

Five per cent. to be retained as security.

Payment of warrants.

SEC. 10. The treasurer of state shall pay the warrants issued by the auditor of state under and by virtue of the provisions of this act, placing the same on file and keeping a register of the names of the person or persons to whom such warrants are paid.

Penalty for changing plans, making false estimates, &c.

SEC. 11. Any director, trustee, commissioner or other officer or person otherwise appointed, and whose duty it is to superintend, in whole or in part the erection of such institution, asylum or improvement, or of adding to, altering or the improvement thereof, or the making of the plans, descriptions and specifications of the labor to be performed and materials to be furnished as provided in this act, and the estimates of the cost thereof, or the estimates of the amount of labor done and materials furnished from time to time under and in accordance with the terms and conditions of the contracts in this act authorized to be made, and the provisions of this act, who shall, in the performance of the duty herein imposed upon him or them, knowingly permit the work to be done in any other mode or manner than as prescribed in such plans, descriptions and specifications, or with a material different from that required by such bills of material, or shall knowingly make false estimates of the labor done and materials furnished, either in the quantity or price thereof, shall be deemed and held guilty of a misdemeanor, and upon con-

viction thereof, shall be confined in the penitentiary of this state for a term of not less than one nor more than five years, and be liable to the state for double the amount the state may have lost, or be liable to lose, because thereof.

SEC. 12. It shall be the duty of the attorney general to have charge of and direct all the proceedings necessary to enforce the contracts authorized by this act and the provisions of this act against such person or persons as become liable to the penalties herein prescribed.

Duties of  
attorney  
general.

SEC. 13. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 3, 1868.

#### AN ACT

To authorize the incorporation of union depots.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the presidents of two or more railroad companies running railroads to the same town or city, may, by the consent and under the direction of their respective boards of directors file articles of association in the office of the secretary of state for the purpose of purchasing depot grounds and locating, constructing, keeping up and maintaining a common or union station house and passenger depot, and a union railroad by two or more tracks connecting the railroads of such companies for business purposes. The said articles of association shall specify: 1. The name assumed by such union company. 2. The names of the said railroad companies and the town or city where such union depot and connection tracks are proposed to be made. 3. The amount of capital stock necessary to obtain a site and construct and maintain said depot and tracks; the said articles signed by said president in behalf of said railroad companies, with the corporate seals of said companies thereto annexed, shall be forwarded to the secretary of state, who shall record and preserve the same in his office, and a copy thereof duly certified by the secretary of state under the great seal, shall be evidence of the existence of such company; and thereafter such union corporation may contract and be contracted with, sue and be sued, and shall have full power to locate and take releases of right of way, depot grounds, and appropriate so much land as may be necessary for such union depot and tracks.

Presidents of  
companies to  
file articles  
of association  
with  
secretary of  
state.

Specification  
of articles.

SEC. 2. The respective railroad companies whose board of directors authorize the filing of said articles of association, or assent thereto, shall each be held to own and be liable to pay an equal proportion of the capital stock for the purpose hereinbefore mentioned, and the provisions of the fifth, sixth,

Capital stock

seventh and tenth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, shall be applicable to such union corporation.

Directors ex-officio.

SEC. 3. The president of each of the companies entering into such union arrangement shall ex-officio be a director in the union corporation, unless the board of directors of such company appoint some other person as director. All questions affecting pecuniary liabilities and expenditures shall require the concurrence of two-thirds of all the directors. All officers, agents and employes of the union corporation shall be appointed with the concurrence of all the members of the board, and may be discharged by any two members of the board. They shall keep a record of their proceedings which shall be open to the inspection of the stockholders and directors of said companies. They shall have power to pass all the by-laws, rules and regulations not inconsistent with the charters of said companies, for the government of the union board and the regulation of the union depot, depot grounds, and the business thereof, and shall appoint such officers and agents for this purpose as may be necessary. They shall adopt and enforce such rules and regulations, posted conspicuously in the passenger house, as will control the conduct of all runners, solicitors, hackmen and drivers of vehicles, and the officers and agents of said union corporation shall have the same authority to arrest and bring to justice, pickpockets, thieves, and persons violating the public peace, or any person violating any such rules and regulations, posted conspicuously in the passenger house or committing crimes or misdemeanors while on said depot grounds, as constables have or may have by law within their respective townships.

Liabilities of company.

SEC. 4. The several companies represented by said union corporation shall be jointly liable to the public, and all persons contracting with the said union corporation for all contracts and damages, and, as between themselves shall be liable to each other in the proportion of the interests of each in the union road and property, and for all damages, costs and expenses arising from the fault or neglect of its own officer and employes.

Laws applicable.

SEC. 5. All laws now or hereafter in force in this state for the protection of railroads and their property, and relating to or enforcing the duties and obligations of officers, agents and employes of railroad companies to the public and to railroad companies, or to either, shall be applicable to the railroad tracks, property, officers, agents and employes of such union corporation.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3, 1868.



## AN ACT.

Supplementary to "an act to provide for the better regulation of turnpike and plank road companies and to repeal section forty-one of an act to provide for the regulation of incorporated companies, passed May 1, 1852, and repealed March 30, 1864, and re-enacted April 5, 1866." O. L. vol. 63, p. 150, (passed March 11, 1867. O. L. vol 64, p. 51).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any plank road company shall fail to keep its road in repair for five days successively, any person may file a complaint in writing, before any justice of the county, setting forth the nature of the defect complained of, designating the place in the road where it exists; and it shall be the duty of said justice to appoint two disinterested persons as inspectors, to meet at the place complained of, within five days, and of the time and place of meeting reasonable notice shall be given to the gate keeper nearest the place of meeting; and the inspectors shall then examine into the truth of the matter complained of, and if they shall find the complaint to be true, they shall send a certified copy of the complaint and of their finding thereon, to the keeper of each of the gates between which such defective place shall be, and thereafter no toll shall be received at such gates for the intermediate distance, until the parts of the road complained of shall be fully repaired; and if the keeper of such gate shall demand and receive toll contrary to the provisions of this act, he shall be liable to pay the sum of five dollars to the party injured, to be recovered by action of debt before any justice of the peace having jurisdiction; and the company moreover shall be liable to any person injured for the damages sustained by reason of such road being suffered to remain out of repair by the neglect of the company; and the inspectors and justice of the peace shall be entitled to receive one dollar per day for their services, which shall be paid by the company if the complaint be sustained, and if it fail, then by the complain[an]t, and to the amount so taxed shall be added the expense of sending the notice to the gate keepers, as required by this act, which shall be paid as aforesaid.

When roads are not kept in repair complaint may be filed with justice of the peace.

Appointment of inspectors.

—their duties.

No toll to be collected until road is repaired.

Compensation of justice and inspectors.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3d, 1868.

## An Act

To amend section three of an act entitled an act supplementary to an act entitled an act for the encouragement of agriculture, passed February 15th, 1853. (Swan & Critchfield, page 67.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section three shall be so amended as to read as follows :

5—LAWS.

When county commissioners may buy or lease fair grounds.

Section 3. In all cases where such county agricultural societies shall have heretofore purchased or leased for a term of years, not less than ten years, or shall hereafter purchase or lease for a term of years, not less than ten years, real estate as sites whereon to hold fairs, the county commissioners of such counties may, if they think it for the interest of the counties and societies, pay out of the county treasuries of such counties, the same amount of money for the purpose of the purchase or lease and improvement of such sites as shall have been or shall hereafter be paid by said agricultural societies or individuals for such purpose.

SEC. 2. That said section three be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 8, 1868.

#### AN ACT

To provide against putting unsound and unwholesome fish upon the markets of this state, and to repeal part of an act therein named.

When unlawful to catch and offer fish for market.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful to catch any fish for the purpose of salting and and packing the same for market, or to salt and pack the same for market in this state, at any time between the first day of June and the first day of September; provided, that should it be impracticable to take up or remove any stationary nets on the first day of June, it shall be lawful for the owner, or the person having such nets in charge, to take up and remove the same at the earliest practicable day thereafter, and all fish therein at the time may be lawfully taken out, salted and packed for market; but no more than that one haul shall be taken from any net between the first day of June and the first day of September.

Penalty.

SEC. 2. That any person violating the provisions of this act, shall forfeit and pay, for every such offense, a penalty of not less than fifty nor more than two hundred dollars, to be recovered by an action of debt, in the name of the state of Ohio, before any justice of the peace in the proper county; and such justice of the peace, on complaint by oath or affirmation, shall issue a summons commanding the appearance of the party or parties complained of, and service on the person or persons having any net in charge shall be deemed due service on the owner of such net; and on the appearance of the party or parties summoned, or in default of such appearance, the justice of the peace shall proceed to inquire into the truth of the complaint, and if found guilty the party or parties defendant, shall be held to pay the penalty aforesaid, with

Duty of justice.

costs of suit, which shall be collected in like manner as other judgments in civil actions. All penalties collected under the provisions of this act shall be paid into the county treasury for the benefit of common schools of the county.

SEC. 3. That so much of section one of the act passed February 9th, 1863, (Laws of Ohio, vol. 60, pages 7 and 8), as relates to fishing in lake Erie, be and the same is hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 8, 1868.

#### AN ACT

To authorize certain cities therein named to borrow money for fire purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That city councils of cities of the first class, having a population of less than forty thousand inhabitants, are hereby authorized to borrow money, not to exceed fifty thousand dollars, for the purchase of additional steam fire engines, for the construction of additional reservoirs for fire purposes, for paying for a fire alarm telegraph, and to make good any deficiency in the fire department fund in said cities. Councils may borrow money.

SEC. 2. To secure the payment of the money borrowed as aforesaid, said city councils may issue the bonds of said cities in such sums as they may see fit, at a rate of interest not exceeding six per cent. per annum, payable semi-annually, the principal of said bonds to be made payable within five years from the date thereof. —and issue bonds.

SEC. 3. To pay said bonds, and the interest on the same, as they become due, said city councils are hereby authorized to levy a tax, not to exceed one mill on the dollar, each year, on all the taxable property within the limits of said cities, until a sufficient amount is raised to pay said bonds and the interest thereon and no more. —and levy tax.

SEC. 4. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 8, 1868.

## AN ACT

To amend an act entitled "an act to amend the twenty-ninth section of an act entitled an act for the incorporation of townships, passed March 14th, 1853, as amended and took effect April 29th, 1854," passed March 20th, 1866. (O. L. vol. 63, p. 44.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act, passed March 20, 1866, be so amended as to read as follows:

Township trustees may purchase and improve lands for cemeteries.

—and may levy tax for same.

Certain persons shall be buried at expense of township.

Section 29. That it shall be lawful for the trustees of any township in any county in this state, to purchase, fence, protect and improve all such lands in one or more places within such township as they may deem necessary and proper for cemetery purposes therein; and for the purpose of paying the purchase price of such lands, and the necessary expenses of fencing, protecting and improving the same, they are hereby authorized to levy and assess upon the taxable property of such township, such a per centum as will raise any sum not exceeding one thousand dollars in any one year, until the whole of the purchase money with the interest due thereon shall have been paid; and also to levy and assess a tax of not exceeding one mill on the dollar of the taxable property of such township in any one year, to be applied to the fencing, protecting, or improvement of such lands or any grounds for cemetery or burial purposes that shall have been, or may hereafter be, set apart, appropriated or dedicated for such purposes, and over which such trustees shall have control. That it shall be the duty of the coroner of any county to bury such dead persons as he may hold an inquest upon, and who have left no means wherewith to pay the expenses of their burial, in the cemetery or burying ground of that township wherein such inquest may be held, and the necessary expenses of such burial shall be allowed and paid by the township trustees; and the coroner shall be allowed for his services under this section, by the trustees of the proper township, fifty cents for each person so buried.

SEC. 2. That the said act passed March 20, 1866, of which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 8, 1868.

## AN ACT

To authorize the sale and transfer of the Walhonding canal.

Board of public works authorized to sell and transfer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon application in writing, filed in the office of the board of public works by the "Pittsburg, Mt. Vernon and Indianapolis railroad company," or any other

railroad company, said board of public works is hereby authorized and empowered to sell and transfer to said railroad company, the Walhonding canal, for the purpose of enabling said railroad company to use the towing path thereof, or so much of the same as may be deemed necessary for the track or road bed of said company.

SEC. 2. That before said board of public works shall make any disposition of said canal as aforesaid, the said railroad company shall first procure the written assent of the lessees of the public works thereto; provided, however, that such assent shall not relieve said lessees of the public works from any of the obligations and covenants by them to be kept and performed as provided in the contract of lease of said public works, except so far as said covenants relate to the superintendence and repair of the Walhonding canal; and to that extent, upon the transfer of said canal to said railroad company, said covenants and liabilities shall cease and determine.

Assent of lessees of public works requisite.

SEC. 3. That in any transfer that may be made of said canal to any railroad company under this act, said railroad company shall be required to keep repaired and maintain said canal for the purpose of furnishing water to all mills, factories and other hydraulic works now erected and in process of erection, and propelled or to be propelled by water taken from said canal under leases from the state, and in accordance with the terms and conditions of said leases; and before any transfer of said canal to any railroad company shall be made as above provided, the board of public works shall obtain the written consent thereto, and release to the state from all liability, of all persons or companies holding water leases from the state along the line of said canal.

Conditions of transfer.

SEC. 4. That under the restrictions herein set forth, said board of public works are hereby authorized to dispose of said canal and tow path to any railroad company making application for the same, on such terms as to said board may seem best for the interest of the state and the full protection of the rights of the lessees of water power on said canal.

Authority of board of public works.

SEC. 5. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. O. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To amend an act entitled "an act to prevent the running at large of bulls, boars and bucks," passed April 12, and took effect May 1, 1858. (See S. & C. Statutes, vol. 1, p. 72.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the act above recited be so amended as to read as follows:*

Penalty for suffering bulls, boars, &c., to run at large.

Prosecutions within thirty days.

Liability for damages.

Section 1. That if the owner or owners, keeper or keepers of any bull, boar or buck, shall knowingly allow the same to go at large out of his, her or their enclosure, he, she or they shall forfeit and pay the sum of five dollars for such offense, to be recovered on complaint of any person finding such animal at large, before any justice of the peace of the county in which such owner or owners, keeper or keepers may live, and twice that amount on any subsequent conviction; said penalty to go into the treasury of the township where such complainant may reside, for the benefit of common schools; provided, that such complaint shall be prosecuted within thirty days next after such animal or animals shall be found going at large, where the owner or owners, keeper or keepers of such animal or animals are known to the complainant; but in case such owner or owners, keeper or keepers shall not be known by the complainant at the time such animal or animals shall be found going at large, then such action may be brought within thirty days after the owner or owners, keeper or keepers of such animal or animals shall be known by the complainant to be such owner or owners, keeper or keepers thereof.

SEC. 2. In addition to the penalty prescribed in the foregoing section, the owner or owners, keeper or keepers of said bull, boar or buck, thus found going at large, shall be liable to the owner or owners, keeper or keepers of any cow, sheep or swine, for any and all damages arising to such owner or owners, keeper or keepers, from the going at large of any such animals aforesaid, to be recovered by suit brought before any court of competent jurisdiction.

SEC. 3. That the above recited act be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the board of public works to purchase so much of the upper or national road bridge across the Muskingum river at Zanesville, as is situated on the line of said national road.

Board of public works authorized to purchase bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works of this state be and is hereby authorized and directed to purchase from the Muskingum and Licking bridge company, so much of the bridge owned by said company across the Muskingum river at Zanesville, in Muskingum county, known as the upper or national road bridge, as is on the line of said national road, and connects with said national road on the east and west

banks of said river at said point, and to pay therefor, as herein provided, a sum not exceeding the present value thereof; provided, the principal sum shall not exceed twenty thousand dollars.

SEC. 2. That for the purpose of effecting said purchase, the board of public works is hereby authorized and directed to stipulate for the payment of the amount agreed to be paid, as in this act provided, in four equal annual installments, with interest thereon, out of the tolls and revenues collected on and arising from the use of the national road; and the board of public works is hereby further authorized and directed to set apart, out of such annual tolls and revenues, the amount necessary to make such payments, and pay the same, with the interest thereon, as they become due and payable.

Terms of  
purchase.

SEC. 3. That no payment shall be as aforesaid made until the title in fee to the real estate held and owned by said bridge company as a part thereof, and connected with said bridge at the eastern and western termini thereof; and the said portion of the said bridge as aforesaid, and the fixtures, toll house and abutments therewith connected, and all the privileges and appurtenances thereto belonging, shall by said bridge company be conveyed to the state of Ohio by good and sufficient conveyances, to be held by the said state in trust for the uses and purposes of said national road; such conveyances to be approved by the attorney general; and not until the commissioners of said Muskingum county shall purchase from said bridge company the northwest wing or branch thereof connecting said bridge with west Zanesville.

Title in fee  
to be first  
conveyed to  
state.

SEC. 4. That from and after the said purchase as aforesaid, the said bridge hereby directed to be purchased, and the said northwest branch thereof, shall forever thereafter be and remain free, and the said bridge so purchased by the said board of public works shall belong to the state of Ohio for the uses and purposes of said national road, and be maintained and kept in repair as a part thereof.

Said bridge  
to be a free  
bridge,  
owned by the  
state.

SEC. 5. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To amend an act entitled "an act to amend section eight of an act entitled an act to provide for the partition of real estate, passed February 17, 1831," passed April 16, 1867. (O. L., vol. 64, page 208.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act passed April 16, 1867, be so amended as to read as follows :

When valuation of estate required.

Terms of payment.

Section 8. That when any writ of partition shall issue as aforesaid, if the freeholders who are directed to make such partition shall be of opinion that the estate or estates cannot be divided according to the demand of the writ, without a manifest injury of the value thereof, the said freeholders shall then make and return to the court a just valuation of such estate or estates; whereupon, if said court shall approve of the said return, and if any one or more of the parties shall elect to take the said estate or estates at such appraised value, the same shall be adjudged to him, her or them, he, she or they paying to the other party or parties his, her or their proportion of the appraised value thereof, according to his, her or their respective rights; and unless the court shall by special order direct and require, on good cause shown, the entire payment to be made in cash, and unless all the parties in interest shall agree upon the terms of payment, the terms shall be one-third cash, one-third in one year, and one-third in two years, with interest, the deferred payments to be properly secured to the satisfaction of the court; and on payment being made in full or in part, with sufficient security for the remainder as above provided, the sheriff shall, according to the order of the court aforesaid, make and execute conveyances to the party or parties electing to take the same; provided, that whenever the sheriff shall receive such payment or payments, it shall be in his official capacity, and his securities upon his official bond shall be liable therefor.

SEC. 2. That the said act passed April 16, 1867, and of which this act is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

Concerning fugitives from justice, and to repeal an act on the same subject, passed March 24, 1860. (O. L., vol. 57, page 82.)

Duties of courts when persons charged with crime in other states are brought before them.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when an affidavit shall be filed before any judge of a court of common pleas, or any judge of a probate or police court, or any justice of the peace, within this state, setting forth that any person or persons charged with any criminal offense against the laws of any other state, or of any of the territories of the United States, and which, if the act had been committed in this state, would by the laws thereof have been a crime, is at the time of filing such affidavit, within the county where the same may be filed, it shall be lawful and it is hereby made the duty of such judge or



justice of the peace to issue his warrant, directed to the sheriff or any constable within his county, commanding him forthwith to arrest and bring before the officer issuing such warrant the person so charged.

SEC. 2. That when any person arrested, as provided in section one, shall be brought before the officer issuing such warrant, it shall be lawful and it is hereby made the duty of such officer to hear and examine such charge, and, upon proof by him adjudged sufficient, to commit such person to the jail of the county in which such examination shall take place, or cause such person to be delivered to some suitable person to be removed to the proper place of jurisdiction.

Judge or  
justice to  
examine, &c.

SEC. 3. That whenever any person is committed to jail by any judge or justice of the peace, by virtue of this act, it shall be the duty of the sheriff or keeper of the prison, into whose custody said person is committed, to give notice thereof forthwith by letter, to be directed to sheriff of the county in which such offense shall have been committed, or to the party injured by such crime, which letter may be sent by mail. And no person so committed shall be detained longer in jail than is necessary to enable the person or persons so notified to apply for and obtain the proper requisition for the person so committed.

Duties of  
sheriffs, &c.

SEC. 4. That an act entitled "an act concerning fugitives from justice," passed March 24, 1860, be and the same is hereby repealed.

Act repealed

SEC. 5. This act to be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To amend sections one and two of "an act to provide for the division of townships in [into] election precincts," passed March 4, 1853. (S. & C., Vol. 2, page 1573.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be amended so as to read as follows:

Section 1. That it shall be duty of the commissioners of each county in this state, on the presentation of the petition of a majority of the electors of any part of any township or townships in such county, praying to be set off into a separate election precinct, to cause a notice of the pendency and prayer of said petition, and the time fixed for their action upon the same, to be published in a newspaper printed or of general circulation in said county, at least three successive weeks, and cause a copy of said notice to be served upon the trustees of the townships to be affected by such action, at least ten days prior to the time fixed for such action,

Division of  
townships  
into election  
precincts.

at which time, if the commissioners are satisfied that it will be for the best interest and convenience of those interested, they shall issue their order for such division, and shall appoint therein three good and judicious freeholders, electors of said county, who shall not be residents of either of the townships to be affected by such action, naming in their order the time of the meeting of such freeholders, who being duly sworn shall, at the time named in said order or within five days thereafter, proceed to view and divide said township or townships into election precincts as near the prayer of the petitioners as they may deem just and proper, either by making two precincts in one township, or by taking parts of two or more townships for one precinct; and said freeholders shall within ten days make report of their proceedings to the said commissioners; provided, that in all elections for township officers or township purposes, the election shall be held in the respective townships at places agreed upon by the township trustees; and, provided further, that any two of the petitioners shall execute a bond to the acceptance of the said commissioners, payable to the state of Ohio in the penal sum of two hundred dollars, conditioned for the payment of all costs and expenses, in case the prayer of the petitioners shall not be granted.

Same.

SEC. 2. It shall be the duty of the commissioners at their next regular session after receiving the report of said freeholders to read the same publicly, and there being no remonstrance against said division to declare said township or townships so divided and the said election precinct established; but if any twelve freeholders, electors of such township or townships, shall remonstrate against said division, then such commissioners shall hear and determine the said matters therein and make such order for or against such division as they may think just and proper.

Sections repealed.

SEC. 3. That sections one and two of the above recited act be and the same are hereby repealed.

SEC. 4. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 2d, 1868.

#### AN ACT

Supplementary to "an act for the maintenance and support of illegitimate children," passed February 2d, 1824. (Swan & Critchfield, 176.)

Procedure in case warrant is issued against putative father.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That in case a warrant is issued by any justice of the peace, as provided in section one of the act to which this is supplementary, and the same is returned by the officer*

to whom it is directed, showing that the accused could not be arrested, it shall be the duty of said justice, upon demand, to forthwith make a certified transcript of the proceedings had before him, including copies of the complaint and warrant with the return thereon, and deliver the same to said complainant, her agent or attorney.

SEC. 2. That upon the filing of the transcript aforesaid, in the clerk's office of the court of common pleas of the county in which said justice resides, an order of attachment shall be made by the clerk of said court, when there is filed in his office an affidavit of the complainant, her agent or attorney, showing:

Order of attachment—its showing.

First. That the complainant is the mother of a bastard child, or that she is pregnant with child, which, if born alive, will be a bastard; and

Second. That the accused person is the father of said child; and

Third. The existence of one or more of the following grounds:

1st. That the accused is a non-resident of this state; or

2d. Has absconded with the intent to defraud complainant; or

3d. Has left the county of his residence to avoid the service of a warrant; or

4th. So conceals himself that a warrant cannot be served upon him.

SEC. 3. The order of attachment shall issue without an undertaking.

No undertaking.

SEC. 4. The order of attachment shall be directed and delivered to the sheriff. It shall require him to attach the lands, tenements, goods, chattels, stocks, or interest in stocks, rights, credits, moneys and effects of the accused, in his county, not exempt by law from execution, not exceeding in appraised value one thousand dollars, to secure the payment of such sum or sums as the court may order and direct for the maintenance of such bastard child, together with the costs of prosecution. Orders of attachment may be issued to the sheriffs of the different counties, and several of them may at the option of the plaintiff be issued at the same time or in succession, but such only as have been executed shall be taxed in the costs unless otherwise directed by the court.

Duty of sheriff to attach, &c.

SEC. 5. When the complainant, her agent or attorney, shall make oath in writing, that affiant has good reason to and does believe that any person or corporation in said affidavit named, has property of the accused in his or its possession (describing the same), if the officer cannot get possession of such property, he shall leave with such garnishee, a copy of the order of attachment, with a written notice to appear in court and answer.

When possession cannot be had.

SEC. 6. The same rights, powers and proceedings shall be had in all respects under attachments issued by virtue of this act, the order of attachment shall be executed, served and returned, the attached property be bound, the garnishee liable

Same rights, &c., as in civil action.

to complainant, and the property disposed of, in the same manner as is provided by law in civil actions.

Notice of  
pendency to  
be published,  
&c.

SEC. 7. Upon the return of the order of attachment, a notice of the pendency of said proceedings, stating the object thereof, the substance of said complaint, and that an order of attachment has been issued and served therein, may be given by publication in some newspaper of general circulation in the county in which the case is pending, for the term of six consecutive weeks, and in such case copies of the complaint and order of attachment with the return thereon, shall forthwith be deposited in the post office directed to the accused at his place of residence, unless it shall be made to appear to the court, by affidavit or otherwise, that such residence is unknown to the complainant, and could not, with reasonable diligence, be ascertained by her. If the defendant's place of residence is known, personal service of certified copies of the complaint and order of attachment with the return thereon, may be made, at complainant's election, at least six weeks before the hearing of said case, and said case may be heard and determined, at any time after the expiration of six weeks from the time of personal service, or after the first publication as provided in this section.

Accused may  
defend.

SEC. 8. That before or upon the hearing of the complaint, the court shall permit the accused to appear in person or by counsel and make defense.

If found  
guilty, to be  
adjudged  
father of  
child, etc.

SEC. 9. That if, upon the trial, the jury find the defendant guilty, or such accused person, before the trial, shall, in person or by counsel, confess in court that the accusation is true, he shall thereupon be adjudged the reputed father of such child, and shall stand charged with the maintenance thereof in such sum or sums as the court may order and decree, together with costs of prosecution.

Further pro-  
ceedings.

SEC. 10. The court shall thereupon order and decree, that unless the defendant shall, within a day to be fixed by said court, pay said sum or sums, with costs of prosecution, so much of the property remaining in the hands of the officer after applying the money arising from the sale of perishable property, and so much of the personal property and lands and tenements, if any, as may be necessary to satisfy said order and decree, shall be sold under the same restrictions and regulations as if the same had been levied on by execution; and the money arising therefrom, with the amount that may be recovered from the garnishee, shall be subject to the order and control of the court, and be applied to satisfy said order and decree in such sums and at such times as the court may order and direct. If there be not enough to satisfy the same, the order and decree of the court shall stand, and execution may issue thereon for the residue, in all respects, as in judgments at law. Any surplus of attached property or its proceeds shall be returned to the defendant.

To what  
cases this act  
is applicable.

SEC. 11. This act and all the remedies therein allowed shall be applicable to all cases which the infirmity directors or trustees of townships are by law authorized to commence or prosecute against the alleged father of any illegitimate child.

SEC. 12. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 3d, 1868.

#### AN ACT

To authorize city councils of cities of the first class, having a population of over one hundred thousand inhabitants, to issue bonds for water works purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, having a population of over one hundred thousand inhabitants, and wherein water works have been constructed, for the purpose of building additional water works to supply the elevated localities of such cities, which cannot be supplied by their present water works, and for purchase of grounds therefor, are hereby authorized, upon the application of such trustees, to issue the bonds of the city for any sum, not exceeding one hundred and fifty thousand dollars, bearing a rate of interest not to exceed seven and three-tenths per cent. per annum, at such dates and for such length of time as they may deem expedient; the same to be sold at not less than par, their sale to be under the direction of said trustees, and the proceeds thereof to be applied exclusively to the above named purposes.

Councils may issue bonds for additional water works.

SEC. 2. Whenever any of the bonds herein provided for shall be for sale, not less than ten days previous notice of said sale shall be advertised in Cincinnati, said advertisement to be published daily until the day of sale. The advertisement shall specify that sealed bids will be received at a place and until a day and hour designated. The bids shall then be opened and read in the presence of the bidders present, and the bonds shall be sold to the highest bidders, the city, however, reserving the right to reject all bids.

Notice to be advertised.

SEC. 3. It is hereby enacted, however, that before such bonds shall be issued, such city council shall submit to the qualified voters of the city, at any regular or special election, the question of their issue, which shall require a majority of all the votes cast upon the proposition to warrant such issue.

Question to be submitted to voters.

SEC. 4. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 3d, 1868.

## AN ACT

To amend section one of an act entitled an act further to prescribe the duties of county commissioners, passed April 8, 1856. (Swan & Critchfield, page 249.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above named act be amended to read as follows :

Commissioners must enter into bonds.

Section 1. That each commissioner of a county, before entering on the discharge of his duties, shall enter into a bond in a sum not less than five thousand dollars, as shall be required by the probate judge of the proper county, with two or more good and sufficient sureties to be approved by said judge, and to be deposited with the county treasurer of the proper county, conditioned for the faithful discharge of his official duties, and for the payment of any loss or damage that the county may sustain by reason of his failure in the discharge of his official duty: provided, that any commissioner of a county who is now acting as such without having entered into bond as contemplated by this act, shall, within thirty days after the passage hereof, give bond as provided by this section. The bonds given as aforesaid shall be deposited with the county treasurer of the proper county for safe keeping.

Section repealed.

SEC. 2. That section one of the above named act be and is hereby repealed: provided, that such repeal shall not impair any right accrued, nor affect any liability incurred under said section.

SEC. 3. This act shall take effect from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 8, 1868.

## AN ACT

To amend sections eighteen and twenty-one of the act relating to roads and highways, passed March 9th, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections eighteen and twenty-one of the act entitled "an act relating to roads and highways," passed March 9th, 1868, be amended so as to read as follows :

Trustees may direct an additional levy when necessary.

Section 18. That if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property of their respective townships, not exceeding three mills on the dollar, and shall certify the same to the county auditor in writing on or before the first Monday of June, in each year; and the auditor of the county shall assess the same on the

taxable property in the township, and the same shall be collected in the December installment, and paid out as other taxes, except as hereinafter provided.

Section 21. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged, within the time designated in this act, at the rate of one dollar and fifty cents per day, and a ratable allowance per day for any team and implements furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money in the discharge of said road tax. All road taxes collected by the county treasurer shall be paid over to the treasurer of the township, or municipal corporation, from which the same were collected, and shall be expended on the public roads, and in building and repairing bridges as hereinbefore provided, in the township or municipal corporation from which the said taxes were collected under the direction of the trustees of the proper township or council of such municipal corporation, and all funds heretofore levied for road purposes, and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the same were collected, as other taxes collected under the provisions of this act; provided, where township trustees have failed to receive the act to which this is an amendment in time to re-district their townships into road districts, and order an election for supervisors thereof as required by said act, the trustees of such townships upon the passage of this act are hereby authorized and required for the year 1868, to re-district their township into road districts and appoint supervisors therefor, who shall before entering upon the duties of their office take an oath or affirmation to faithfully and impartially discharge the duties of their office, and shall be under the same restrictions and penalties as though they had been duly elected and qualified.

SEC. 2. That said original sections eighteen and twenty-one of the act to which this is amendatory be and the same are hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 8, 1868.

Persons charged with road tax may pay it in labor, &c.

Taxes must be expended in township or corporation where raised.

Proviso as to township where former act was not received in due time.

## AN ACT

To amend an act supplementary to an act entitled an act supplementary to an act entitled an act to provide a board of commissioners to examine certain military claims, and making appropriations for their payment, passed April 11, 1865, passed April 6, 1866, passed April 15, 1867. (Page 180, Laws of Ohio, vol. 64, 1867.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above mentioned supplementary act passed April 15, 1867, be so amended as to read as follows :

What claims shall be included.

Section 1. That the above entitled act, to which this is supplementary, shall embrace and include the following claims, to be examined, allowed and paid in like manner, to-wit: All claims of enlisted men and substitutes for local bounty, where, without fraud or collusion of the claimant, the money has not come into the hands of such enlisted man or substitute, by reason of any order or fault of any officer of this state, or any officer of the United States, or of any officer acting under orders of any officer or authority of this state; provided, that no money under this act shall be paid to deserters, and provided that no more evidence shall be required in cases of enlisted men than is now required for the collections of the claims of recruiting officers under the law of April 6, 1866. Claims of state pay agents for losses alleged to have been incurred in the discharge of their official duties as such. The adjutant general is hereby authorized and required to act as a member of said board in investigating and allowing the claims mentioned in this act, in addition to the members now constituting the board.

Duty of adjutant general.

SEC. 2. That the above recited supplementary act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 8, 1868.

## AN ACT

To provide for the investment of funds detained in the hands of executors, administrators, agents, attorneys or officers, by reason of pending litigation.

Investment of funds detained more than six months.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every case where money coming into the hands of an executor, administrator, agent, attorney or officer, shall be stopped therein by reason of litigation or other lawful cause, and the same will probably be so detained for more than six months, said executor, administrator, agent, attorney or officer, is hereby authorized to invest the same during such detention in the same manner that trust funds are now authorized by law to be invested, or in such other manner as the probate court or other court having



jurisdiction of the pending litigation, or person or persons aforesaid may direct.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives*  
 J. C. LEE,  
*President of the Senate.*

Passed April 9, 1868.

#### AN ACT

To amend the code of civil procedure in reference to the replevin of property, and to repeal sections 179, 183 and 184 of said code as amended April 16, 1867. (Swan & Critchfield, 999, and Laws of Ohio, vol. 64, pp. 244 and 245.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and seventy-nine of the "act to establish a code of civil procedure," as amended April 16, 1867, be so amended as to read as follows:

Section 179. The sheriff or other officer shall deliver to the plaintiff, his agent or attorney, the property so taken, except in the cases hereinafter provided, when there has been executed by one or more sufficient sureties of the plaintiff, a written undertaking to the defendant, in at least double the value of the property taken, to the effect that the plaintiff shall duly prosecute the action and pay all costs and damages which may be awarded against him. The undertaking shall be returned with the order. In all cases where the property replevied consists of heir looms, personal keep-sakes, or other articles of property, the value of which consists in whole or in part in its being a relic, model, gift, family picture, painting or rare production of art or nature, and not wholly in its general marketable character, the sheriff or other officer shall retain and safely keep the same, subject to the order of the court; provided, the defendant, his agent or attorney shall, within ten days after the same has been replevied, serve a written notice upon such officer that he will demand the return of the same upon the final trial of the case, and that he will, at the next term of said court, move for an order requiring said officer to retain said property, subject to the final order of the court; provided, further, that in case said defendant does not give the notice aforesaid, or the court, upon application of either party, refuses to order the officer to retain said property, for the reason that it does not belong to one or more of the kinds of personal property aforesaid, the said officer shall deliver the said property to the plaintiff, his agent or attorney, upon the execution of an undertaking, as is hereinbefore provided, to be filed with the clerk of the court within ten days from the expiration of the time to give said notice, or in case said

Bond, &c., of  
 plaintiff.  
 Exceptional  
 cases.

When valuation of estate required.

Terms of payment.

Section 8. That when any writ of partition shall issue as aforesaid, if the freeholders who are directed to make such partition shall be of opinion that the estate or estates cannot be divided according to the demand of the writ, without a manifest injury of the value thereof, the said freeholders shall then make and return to the court a just valuation of such estate or estates; whereupon, if said court shall approve of the said return, and if any one or more of the parties shall elect to take the said estate or estates at such appraised value, the same shall be adjudged to him, her or them, he, she or they paying to the other party or parties his, her or their proportion of the appraised value thereof, according to his, her or their respective rights; and unless the court shall by special order direct and require, on good cause shown, the entire payment to be made in cash, and unless all the parties in interest shall agree upon the terms of payment, the terms shall be one-third cash, one-third in one year, and one-third in two years, with interest, the deferred payments to be properly secured to the satisfaction of the court; and on payment being made in full or in part, with sufficient security for the remainder as above provided, the sheriff shall, according to the order of the court aforesaid, make and execute conveyances to the party or parties electing to take the same; provided, that whenever the sheriff shall receive such payment or payments, it shall be in his official capacity, and his securities upon his official bond shall be liable therefor.

SEC. 2. That the said act passed April 16, 1867, and of which this act is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

Concerning fugitives from justice, and to repeal an act on the same subject, passed March 24, 1860. (O. L., vol. 57, page 82.)

Duties of courts when persons charged with crime in other states are brought before them.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when an affidavit shall be filed before any judge of a court of common pleas, or any judge of a probate or police court, or any justice of the peace, within this state, setting forth that any person or persons charged with any criminal offense against the laws of any other state, or of any of the territories of the United States, and which, if the act had been committed in this state, would by the laws thereof have been a crime, is at the time of filing such affidavit, within the county where the same may be filed, it shall be lawful and it is hereby made the duty of such judge or

justice of the peace to issue his warrant, directed to the sheriff or any constable within his county, commanding him forthwith to arrest and bring before the officer issuing such warrant the person so charged.

SEC. 2. That when any person arrested, as provided in section one, shall be brought before the officer issuing such warrant, it shall be lawful and it is hereby made the duty of such officer to hear and examine such charge, and, upon proof by him adjudged sufficient, to commit such person to the jail of the county in which such examination shall take place, or cause such person to be delivered to some suitable person to be removed to the proper place of jurisdiction.

Judge or  
justice to  
examine, &c.

SEC. 3. That whenever any person is committed to jail by any judge or justice of the peace, by virtue of this act, it shall be the duty of the sheriff or keeper of the prison, into whose custody said person is committed, to give notice thereof forthwith by letter, to be directed to sheriff of the county in which such offense shall have been committed, or to the party injured by such crime, which letter may be sent by mail. And no person so committed shall be detained longer in jail than is necessary to enable the person or persons so notified to apply for and obtain the proper requisition for the person so committed.

Duties of  
sheriffs, &c.

SEC. 4. That an act entitled "an act concerning fugitives from justice," passed March 24, 1860, be and the same is hereby repealed.

Act repealed

SEC. 5. This act to be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To amend sections one and two of "an act to provide for the division of townships in [into] election precincts," passed March 4, 1853. (S. & C., Vol. 2, page 1573.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be amended so as to read as follows:

Section 1. That it shall be duty of the commissioners of each county in this state, on the presentation of the petition of a majority of the electors of any part of any township or townships in such county, praying to be set off into a separate election precinct, to cause a notice of the pendency and prayer of said petition, and the time fixed for their action upon the same, to be published in a newspaper printed or of general circulation in said county, at least three successive weeks, and cause a copy of said notice to be served upon the trustees of the townships to be affected by such action, at least ten days prior to the time fixed for such action,

Division of  
townships  
into election  
precincts.

## AN ACT

To amend section eight of an act entitled "an act for the prevention of gaming," passed March 12, 1831. (S. & C., 665.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of an act entitled "an act for the prevention of gaming," passed March 12, 1831, be so amended as to read as follows:

Billiard tables excepted from restrictions of former act.

Section 8. That if any person or persons shall keep or exhibit for gain, any gaming table (except billiard table) or bank, or any gaming device or machine of any kind or description under any denomination or name whatsoever, or if any person or persons shall keep or exhibit any billiard table for the purpose of betting and gambling, or shall allow the same to be used for such purpose, the person or persons so offending shall, each, on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars, at the discretion of the court, for every such offense, and shall, moreover, find security for his or their good behavior for the period of one year, in the sum of five hundred dollars.

SEC. 2. That section eight of the above entitled act be and the same is hereby repealed; provided, that such repeal shall in no manner affect pending prosecutions or causes of prosecution existing at the time of the passage of this act.

SEC. 3. This act shall take effect and be force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 10, 1868.

## AN ACT

To provide for the proper disposal of certain church property, and for other purposes.

Disposal of church property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the title of any real estate is vested in trustees for the use of churches, or congregations of churches, and owing to the peculiar situation of such real estate, or the nature of the trust or conditions upon which it is held, such real estate has not been for twenty years claimed by or appropriated to the use of churches or congregations, as originally contemplated, and such trustees are in doubt as to what disposition to make of such unappropriated church property; and in all cases where any public church site and meeting house has been abandoned by the public as a place of worship, and the trustees invested with the title of such abandoned public church site and meeting house have sold the same and are in doubt as to what

disposition to make of the proceeds thereof, such trustees may file a petition in the court of common pleas of the county where such church property is situated, setting forth all the facts in the case and asking the direction of the court as to the proper disposition of such unappropriated church property or proceeds.

SEC. 2. Notice of the filing of such petition shall be given by publication in some newspaper printed and of general circulation in the county where such petition is filed for four consecutive weeks, setting forth the object and prayer thereof; and any church or congregation, or persons claiming an interest in the subject matter of such petition, may appear and file an answer therein; and the court, on final hearing of such case, shall make such order or decree therein as will best secure the rights of the churches or congregations, or persons having an interest therein, and as will best promote the interests of religion, having regard, as near as may be, to the nature and terms of the original trust or purpose with which such church property or proceeds may be charged. The court shall make such order in relation to the costs of such proceedings as justice and equity may require.

Notice of  
filing of peti-  
tion.

SEC. 3. In all cases where any real estate has been purchased by or conveyed to trustees for the use of churches or congregations as sites for meeting houses to be erected thereon, and such churches or congregations have erected houses of worship thereon, but no power was given to such trustees to convey to such congregations (or the trustees thereof) the sites on which they have so erected houses of worship, such trustees are hereby empowered to convey such improved sites to the trustees of the congregations so having improved the same by the erection thereon of such houses of worship.

Sites to be  
conveyed to  
trustees.

SEC. 4. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 10, 1868.

#### AN ACT

Supplementary to an act entitled "An act supplementary to the act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3, 1852;" passed March 9, 1866. (O. L., vol. 63, page 32.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first class, having a population exceeding one hundred thousand, and which has been heretofore authorized to erect a work house, either within the city or within the county in which such city may be situated, and where a work house has been commenced and not yet completed, shall have the power, for the purpose of completing the same, to issue the bonds of such city in any sum not exceeding two hundred and fifty

Bonds may  
be issued for  
completion  
of work-  
house, &c.

thousand dollars, to be sold at not less than par, and bearing a rate of interest not exceeding seven and three-tenths per cent. per annum, at such dates and upon such length of time as the city council of such city may deem proper.

Previous notice to be given, &c.

SEC. 2. Before any of the bonds provided for herein shall be offered for sale, not less than ten days' previous notice of such intention shall be given by advertising in one or more of the daily papers of said city; said advertisement shall be inserted daily until the time of sale, and shall specify that sealed bids will be received by the city auditor at his office, until a certain designated day and hour named therein. The bids shall then be opened and read in the presence of the bidders present, and the bonds shall be sold to the highest bidder, the city reserving the right, however, to reject all bids offered.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 11, 1868.

#### AN ACT

To authorize certain cities of the first class to issue bonds to complete Eggleston avenue sewer, and to levy a tax to pay the same.

Bonds may be issued for completing sewer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first class, having a population exceeding one hundred and fifty thousand, shall have the power to issue the bonds of such city, in any sum not exceeding one hundred and fifty thousand dollars, to be used for the purpose of completing the Eggleston avenue sewer.

Levy of additional tax.

SEC. 2. That for the purpose of paying the principal and interest of said bonds, such city council shall have the power to levy an additional tax sufficient therefor; and said bonds may be made payable at such times as the city council may determine, not exceeding thirty years.

Notice of sale of bonds.

SEC. 3. Whenever any of the bonds herein provided for shall be for sale, not less than ten days previous notice of said sale shall be advertised in Cincinnati; said advertisement to be published daily until the day of sale. The advertisement shall specify that sealed bids will be received at a place and until a day and hour designated. The bids shall then be opened and read in the presence of the bidders present, and the bonds shall be sold to the highest bidders, the city, however, reserving the right to reject all.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To amend an act entitled "An act for the incorporation of townships," passed March 14, 1853. (S. & C., vol. 2, p. 1565.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above named act be so amended as to read as follows:

Section 7. That after the judges and clerks have been qualified as aforesaid, the electors shall proceed to the election of one township clerk, three trustees, one township treasurer, and such number of constables and supervisors of highways as may be directed by the trustees; and the judges and clerks, in discharging their duties in said election, shall be governed in all respects by the act regulating elections, except that it shall not be necessary to send a poll book to the clerk of the court of common pleas of the proper county; and in case any two or more persons have the highest and an equal number of votes for any one of the township offices directed to be filled, the clerks and judges of the election shall determine by lot which of the persons shall be duly elected.

Election of township officers.

The vote to be decided by lot.

SEC. 2. Said section seven be and the same is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To prevent the forcible abduction of the citizens of Ohio, and to repeal the act passed February 16, 1866, "To prevent kidnapping in this state." (O. L., 1866, pages 16 and 17.)

SECTION 1. *Be enacted by the General Assembly of the State of Ohio*, That any person or persons who shall kidnap, or forcibly or fraudulently carry off or decoy out of this state any person or persons, or shall arrest and imprison any person or persons, with the intention of having such person or persons carried out of the state, unless it be in pursuance of the laws thereof, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be confined in the penitentiary at hard labor, not less than three nor more than seven years, and shall, moreover, be liable for the costs of prosecution.

Penalty for kidnapping, &c.

SEC. 2. That the act entitled an act to prevent kidnapping in this state, passed February 16, 1866, be and the same is hereby repealed: provided, the repeal of said act shall not prevent the prosecution and punishment of any and all offenses against the provisions of the act so repealed, the same as though this bill had not been passed.

Act repealed.

SEC. 3. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 11, 1868.

## AN ACT

Supplementary to an act entitled "an act to regulate the admission of attorneys at law in certain cases," passed April 7, 1856. (Swan & Critchfield, page 94.)

Provisions of  
act extended  
to colleges  
and univer-  
sities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act of the general assembly of the state of Ohio, passed April 7, 1856, entitled an act to regulate the admission of attorneys at law in certain cases, shall extend and apply to every college and university in this state which has or shall hereafter have a department of law duly organized and in operation in connection with such college or university.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To re-enact and amend "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act passed April 3d, 1857, entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be and the same is hereby re-enacted, and amended so as to read as follows:

No annexa-  
tion of terri-  
tory, except  
on assent of  
a majority of  
the resident  
voters.

Section 1. That no territory or land not now included within the limits of any city, town or incorporated village plat, nor within the limits of any addition thereto, if said territory shall be divided from such city, town or incorporated village by a river not less than two hundred and fifty feet in width, shall hereafter be annexed to any municipal corporation without the assent of a majority of the legal voters residing on the land or territory proposed to be annexed, which assent may be made in writing, or by a vote regularly taken for that purpose, which vote may be taken at any regular election, or at a special election ordered for that purpose by the properly authorized officers of the municipal corporation seeking to annex such territory, which special election shall only be held after ten days public notice of the time and place of holding the same; and such assent shall be presented to the county commissioners at the same time the petition for such annexation is presented to them, agreeably to the provisions of the fourteenth section of the act to which



this act is supplemental : provided that the provisions of this act shall not apply to any city of the first class.

SEC. 2. This act to take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 14, 1868.

### AN ACT

Supplementary to "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be and is hereby made the duty of the directors of any turnpike or plank road company in this state, to cause books to be kept, in which shall be entered all the transactions of such company, with the dates of such transactions; also stock books, in which shall be entered the names of the stockholders and the number of shares owned by each, and all transfers of stock, by whom and to whom made, during each year; and on the first Monday of January of each year hereafter, such directors shall cause a statement to be made in such stock books, showing the names of the owners of the stock of such company and the respective number of shares held by each; and all of which books herein provided for shall, at all proper times, be open to the inspection of any stockholder.

Transactions of directors of turnpike and plank road companies to be recorded, &c.

SEC. 2. The keepers of toll gates shall each, on the first Monday of January of each year, and at such other time or times as may be required by such company, make a report in writing, under oath, showing the amount of toll received at each gate respectively for the preceding year, the amounts paid to said company from time to time, the amounts retained on account of salaries of such gate keepers, the amount of tolls outstanding and uncollected, and also who and to what amount persons have passed through such gates without paying tolls, and by whose orders such persons have so passed; all of which statements shall be submitted to the stockholders at their annual meeting on the second Monday of January of each year.

Reports of tolls to be made.

SEC. 3. It shall be and is hereby made the duty of the directors of any such company, to cause to be made out and submitted to the stockholders of such company, at the regular meeting of the stockholders on the second Monday of January of each year, a report in writing of the transactions of such company for the year preceding, which report shall show the amount of revenue received by said company from all sources during said year, and the amount of tolls received from each gate respectively; also a statement in detail of all

Annual report of directors to be made.

the items of expenditure of said company for all purposes, including the amount expended on each mile of said road respectively, the amount paid to each officer of said road for their services respectively, the amount paid to gate keepers for salaries or otherwise, and a statement of the amount of moneys on hand after paying expenses of such companies; also a statement of the outstanding liabilities of said company and to whom owing, and of the amounts due to said company, by whom owing and how secured. And it shall be the duty, then and there, of said directors, to order a dividend to be made of the moneys then on hand, unless otherwise ordered by a majority of persons present at such meeting, owning stock in such company.

Treasurer to hold no other office, &c.

SEC. 4. The treasurer of such company shall hold no other office in said company, and when appointed, and before assuming the duties of said office, shall give bond, with security to the satisfaction of the board of directors, conditioned for the faithful performance of his duties according to law, and he shall also take an oath of office.

Notice of annual meeting to be given.

SEC. 5. The board of directors of said company shall cause public notice to be given of the time and place of holding said annual meeting, mentioned in section 3 of this act, by proper publication of the same, for three consecutive weeks previous to said second Monday in January, in some newspaper printed in and of general circulation in the counties in or through which said road may pass.

SEC. 6. This act shall take effect from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 17, 1868.

#### AN ACT

Supplementary to an act entitled "an act to amend section forty-seven of an act relating to wills, and to repeal former acts relating thereto," passed Feb. 21, 1867. (O. L., vol. 64, p. 20.)

Record of copy of will that has been destroyed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when the record of any will has been or shall hereafter be destroyed, a copy of such will and the probate thereof may be recorded by the probate court of the proper county, whenever it shall be made to appear to the satisfaction of the court that said record has been destroyed, and whenever it shall further appear, by a certificate, under the hand and seal of the probate judge, or clerk of the court of common pleas of the proper county, that such is a true copy of the original will and the probate thereof.

Original will may be again admitted to probate.

SEC. 2. That when the record of any will has been, or shall hereafter be, destroyed, as aforesaid, said original will may be again admitted to probate and record in the same manner as is now provided by law for the probate of wills.

SEC. 3. The probate court of any county, where the record of any will has been or shall hereafter be destroyed, may admit to record a copy of said will, whenever it shall appear that said copy produced for record bears the certificate of any probate judge or clerk of the court of common pleas, setting forth that the same is a true copy of the will, the record of which has been destroyed; provided, that nothing in this act shall be so construed as to affect the proceedings or extend the time for contesting the validity of any will, or for asserting any rights thereunder, and the record provided for in the preceding sections shall show that the original record was destroyed, and the time, as near as may be, when the will was originally admitted to probate and record.

When record has been destroyed.

SEC. 4. It is hereby made the duty of every probate judge, who shall admit to record any will or copy thereof, under the provisions of this act, immediately thereafter to give notice for three consecutive weeks, in two weekly newspapers of his county, if so many be published therein, or if not, in one newspaper published and of general circulation therein, stating the name of the person, the record of whose will has been destroyed; and the day when said record was supplied; and all persons interested in said records shall have the right at any time within five years from the making of said new record, to come into the probate court of the proper county, and contest the question whether the record thus supplied is the same as the record destroyed; and from all final orders and decrees of the probate court in such contest, either party may appeal to the court of common pleas, in such manner as appeals are now or hereafter may be provided for from the probate court; and if any person interested in said record shall, at the time such record is supplied, be under any legal disability, such person shall have the right to contest said record within two years from the removal of such disability, and such new record supplied according to the provisions of this act, unless the same shall be set aside under proceedings to contest the same as herein provided for, shall have the same force, effect and validity as the original record.

Probate judge to publish notice, &c.

Right to contest new record.

SEC. 5. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 16, 1868.

## AN ACT

To amend section seven of an act entitled "an act to provide for the organization, as cities of the first class, of such cities as may have been advanced to the grade of cities of the first class, between decennial periods, and prior to May, 1867;" and also supplementary to the act passed May 3, 1852, entitled "an act to provide for the organization of cities and incorporated villages," and to the several acts supplementary thereto and amendatory thereof now in force; also, further to define the duties of county treasurers. (O. L., vol. 64, pages 52, 53 and 54.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the seventh section of the said original act, passed March 14th, 1867, be and the same is hereby amended so as to read as follows:

Council may borrow money, and make assessment, etc.

Section 7. The council of any such city may borrow money, at the legal rate of interest, to pay for any such special improvement, for such time as may be necessary to collect the same, by making an assessment upon the property liable to pay for such special improvement, in manner and amount as is now provided by law, and certify the same to the auditor of the county in which such city is situate, to be placed on the county duplicate and collected as other taxes are collected; or they may assess the estimated cost of such special improvement, and certify to the auditor as before provided, before making said special improvement, as they deem expedient; and when so assessed and certified, such assessments shall be liens on such lots and lands the same as state and county taxes, and subject to the same penalties if delinquent. Should any such assessment prove insufficient to pay the costs and expenses of the special improvement for which it may have been made, the council may make an additional *pro rata* assessment to supply such deficiency.

Additional assessment

SEC. 2. This act shall take effect from and after its passage, and the original section seven is hereby repealed: provided, that no rights or liabilities which may have accrued under said section seven, shall be affected by its repeal.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 16, 1868.

## AN ACT

To provide for the establishment of a bureau of statistics in the office of the secretary of state, and to repeal certain acts therein named.

Secretary of state shall make annual report of statistics.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the secretary of state annually hereafter, to prepare from the official reports, and from whatever other reliable sources to which he may obtain access, as full, accurate and intelligible tables of the

statistics of Ohio as may be in his power, and report the results of his labors to the general assembly at its next meeting.

SEC. 2. That in order to the more perfect collection of the statistical information contemplated by this act, it shall be the duty of any state, county or other officer, without compensation, to answer fully and promptly such special and general questions as the secretary of state may ask in carrying out the provisions of the eighth section of the fifteenth article of the constitution of this state.

Officers required to give information, etc.

SEC. 3. That any person who, by this act, is required to give information, and who shall refuse or neglect to answer such questions, shall forfeit to the use of the state of Ohio any sum not exceeding fifty dollars, at the discretion of the court of common pleas for the proper county; which fine shall be collected by the prosecuting attorney thereof, as other fines are collected, by law.

Penalty for neglect or refusal.

SEC. 4. That the several classes of statistics now returnable to the auditor of state, the attorney-general, or other officer, not necessary to the duties of such officers, be transferred by them to the secretary of state, and be by him embodied in the report provided for in this act.

Statistics to be returned to secretary of state.

SEC. 5. That for the purpose of the more complete and efficient performance of the duties enjoined by this act, the secretary of state is hereby authorized, if necessary, to employ some competent person, at an amount not exceeding five hundred dollars, to be paid upon the warrant of the auditor of state, in the same manner as clerks in the office of secretary of state are now paid.

Secretary to employ competent assistant.

SEC. 6. That the act entitled "an act in relation to statistics," passed and took effect April 17th, 1857; the "act supplemental to an act entitled an act in relation to statistics, passed April 17th, 1857," passed April 12th, 1858; and the act "to amend the first section of the act in relation to statistics," passed April 17th, 1857; and the fourth section of the "act supplementary thereto," passed April 12th, 1858; and to repeal the first and ninth sections of said act, passed May 1st, 1862, be and the same are hereby repealed.

Acts repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 17, 1868.

## AN ACT

To repeal an act entitled an act supplementary to an act entitled an act authorizing the appointment of metropolitan police commissioners in cities of the first class with a population of less than one hundred thousand inhabitants at the last federal census, passed April 5, 1866; passed March 29, 1867, (64 Ohio Laws, p. 80), and to provide a police for cities of the second class.

City councils may, by ordinance, provide for a police.

—and the election of a marshal.

His duties.

Annual election of policemen.

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of cities of the second class, having a population of twelve thousand and upwards at the last federal census, shall have power to provide, by ordinance, for the establishing and maintaining a city watch or police, provide for its proper organization and the election or appointment of the necessary officers thereof, to organize the same and prescribe its duties, and define its powers in such manner as will most effectually preserve the peace of the city, secure the inhabitants thereof from personal violence, and their property from fire and unlawful depredations: provided, that in such cities, where there is no city marshal, the city council of such cities shall meet at the time of their next regular meeting, after the passage of this act, and provide, by ordinance, for the election, on Monday, the eleventh day of May, A. D. 1868, by the qualified electors of such city, one city marshal, who shall hold his office until the next annual spring election, and until his successor shall be elected and qualified; and shall, in addition to the duties that are or may be required of him as city marshal, perform the duties of chief of police, and shall execute all such duties as may be required by the laws and ordinances of such city council. At the annual spring election in 1869, and annually thereafter, there shall be elected one city marshal, who shall hold his office for one year and until his successor shall be elected and qualified.

SEC. 2. At the first regular meeting of the city council of such cities, in May, A. D. 1868, and annually thereafter, it shall be the duty of the city council of cities of the second class, having a population of twelve thousand and upwards at the last federal census, to elect, by a *viva voce* vote of at least three fifths of all the members elect to such city council, regular policemen, not exceeding one for every one thousand inhabitants at the last federal census, with such additional number in proportion to the increase of population, as the city council may deem necessary.

SEC. 3. *Be it further enacted*, That the act entitled "an act supplementary to an act entitled 'an act authorizing the appointment of metropolitan police commissioners in cities of the first class, with a population of less than one hundred thousand inhabitants at the last federal census,' passed April 5, A. D. 1866," extending the provisions of said act to cities of the first class having a population of less than fifty thousand, and to cities of the second class having a population of twelve thousand and upwards at the last federal census, passed March 29, A. D. 1867, be and the same is hereby repealed.

**SEC. 4.** This act shall take effect and be in force from and after its passage: provided, that any police organization now in operation in any such cities, shall remain in the performance of their duties until the time designated in the second section of this act for the election of policemen. Proviso.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 16, 1868.

#### AN ACT

Supplementary to an act passed March 29, 1867, entitled "An act supplementary to an act passed March 29th, 1866, entitled 'an act to authorize county commissioners, city councils and township trustees, to levy a tax to refund money borrowed or pledged for local bounties,'" passed April 13th, 1865. (O. L., vol 64, page 79.)

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That where the trustees of any township, or the city council of any city in the state of Ohio shall have failed to levy a tax to refund money borrowed or pledged for local bounties, under an act of the legislature of said state, passed April 13th, 1865, entitled "an act to authorize county commissioners, city councils and township trustees to levy a tax to refund money borrowed or pledged for local bounties," or have failed to certify the same to the county auditor, or from omission or error the same has not been placed upon the tax duplicate of 1867, it shall be lawful for the trustees of any township or city council of any city, to levy a tax for the payment of bounties, or the refunding of money borrowed to pay bounties, wherein they have heretofore failed to make such levy, and certify the tax so levied to the auditor of the proper county; or where the trustees of any township, or the city council of any city has heretofore levied a tax for the purpose aforesaid, and have failed to certify the same to the county auditor, to carry such levy into effect, by certifying the same to the county auditor. And it shall be lawful for the county auditor to place the same on the tax duplicate for the year 1868, or if the tax herein provided for has been heretofore levied and certified to the county auditor, in pursuance of the act to which this is supplementary, and by omission or error of the county auditor not entered on the tax duplicate for the year 1867, it shall be lawful for the auditor of the county to place the tax so certified on the tax duplicate for the year 1868, and the same shall be collected and disbursed in the same manner and under the same restrictions and regulations as is required by the act above recited: provided, that nothing herein contained shall be

When tax  
may be  
levied to pay  
bounties.

Duty of  
county audi-  
tor.

construed to authorize the making or certifying of any levy by township trustees or city councils not made prior to the time limited in the fifth section of the act of April 13, 1865, or for any greater sum than provided for in said act.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 15, 1868.

#### AN ACT

To amend section 592 of the code of civil procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 592 of the code of civil procedure be and the same is hereby so amended as to read as follows:

Penalty for failure to execute summons, order or other process.

Proviso.

Section 592. He shall execute every summons, order or other process, and return the same, as required by law; and if he fail to do so, unless he make it appear to the satisfaction of the court that he was prevented by inevitable accident from so doing, he shall be amerced by the court in a sum not exceeding one thousand dollars, and shall be liable to the action of any person aggrieved by such failure: provided, that he shall not be liable to an action or amercement for failing to execute any such order or process directed to him from any other county than that in which he was elected, unless his fees shall be deposited with the clerk issuing such order or process, and an indorsement thereof be made on such order or process at the time of issuing the same, in these words: "Funds are deposited to pay the sheriff on this process;" to which indorsement the clerk shall subscribe his name.

SEC. 2. That said original section 592 be and the same is hereby repealed. This act to take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 14, 1868.



## AN ACT

Supplementary to the act entitled "An act to preserve the purity of elections," passed March 20th, 1841, and to protect the judges of elections in the discharge of their duties. (O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the judges of election to challenge any person offering to vote at any election held under any law of this state, having a distinct and visible admixture of African blood, and shall tender to him the following oath or affirmation :

Duties of judges.

"You do solemnly swear (or affirm) that you will, to the best of your knowledge and belief, full and true answers make to such questions as may be put to you touching your qualifications as an elector;" and thereupon the said judges, or one of them, shall put to him the following questions :

Oath to be administered to person offering to vote.

1. What is your age?  
2. Where were you born?  
3. Were your parents married, and did they live together as man and wife?

Questions to be put to same.

4. Had your parents, or either of them, a visible and distinct admixture of African blood?

5. In the community in which you live are you classified and recognized as a white or colored person, and do you associate with white or colored persons?

6. Are there schools for colored children in operation in the township, village or ward in which you live; and if you have children, do they attend such schools, or do they attend the common schools organized for white children, under the laws of the state?

SEC. 2. After the examination of the person challenged, as provided in the preceding section, the judges of election shall, unless the vote of said person is rejected, require him to produce before them two credible witnesses, to whom shall be tendered by said judges the following oath or affirmation :

Witnesses.

"You and each of you do solemnly swear (or affirm) that you will fully and truly answer all such questions as may be put to you touching the qualifications of [*the name of the person challenged*] as an elector."

Oath administered to witnesses.

Thereupon the judges, or one of them, shall put to each person, respectively, the following questions :

1st. Are you acquainted with [*the name of the person challenged*]; if so, for how long a time have you known him?

Questions to be put to each witness.

2d. Do you know when, where and in what state he was born?

3d. Were you acquainted with his parents or either of them? If yes, did such parents, or either of them, have a distinct and visible admixture of African blood, and were they married, or did they live together as man and wife?

SEC. 3. A record in writing of the questions and answers required to be given and made in the preceding sections of this [act] shall be kept and filed with the poll books for public inspection, and that the conducting of such examinations and the making of the record thereof shall not be permitted to delay the regular business of such elections, in receiving votes where no

Record of questions and answers.

such examination and record aforesaid is required by this act to be made, and to avoid such delay, it shall be the duty of such judges of election to employ an additional clerk or clerks to make such record, who shall be paid as other clerks at such elections; and said clerks shall first be duly sworn to faithfully and correctly make such record, and the said judges of election, or any party challenging, may put such other questions as may seem to them necessary and proper, and the judges of election, or the party challenging, may call and have examined any other witnesses in the premises that may seem to them proper.

What evidence shall not be received.

SEC. 4. No evidence shall be received as to the admixture of white blood which is based on the opinion of the person challenged or of the witness testifying in his behalf, founded merely upon appearance, unless the facts are fully stated as to the parentage of the person challenged; and no evidence of reputation as to parentage shall be received, unless the parties about whom such reputation exists are first proved to have been married, or to have lived together as man and wife.

When persons refuse to answer questions judges shall reject vote.

SEC. 5. If the party challenged, or any person interrogated as aforesaid in his behalf, shall refuse to answer fully any question as herein prescribed, the judges shall reject the vote; and if the judges shall be satisfied, from the statements of all the persons examined and the evidence adduced, that the person offering to vote is a "white male citizen of the United States," before receiving his ballot, they shall tender him the following oath or affirmation:

Oath to persons refusing to answer questions.

"You do solemnly swear (or affirm) that, to the best of your knowledge and belief, you are a white male citizen of the United States, and know the fact to be so from a knowledge of both your parents and your pedigree;" and if the judges shall then receive said vote, the words, "challenged on the ground of visible admixture of African blood," shall be entered on the poll book opposite said voter's name.

Penalty for illegally procuring the right to vote.

SEC. 6. That any person who, on oath or affirmation, shall procure the right to vote for himself or any other person, by willfully and corruptly deposing, declaring or affirming any matter to be a fact knowing the same to be false, or shall, in like manner, deny any matter to be fact knowing the same to be true, shall be deemed guilty of perjury, and on conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than three years.

Penalty against judge for receiving illegal vote.

SEC. 7. Any judge of election receiving the vote or sanctioning the reception of the same from any person having a distinct and visible admixture of African blood, contrary to the provisions of this act, shall, on conviction thereof, be imprisoned in the county jail not more than six months nor less than one month, and shall also be liable to a civil action for a penalty in the sum of five hundred dollars, which may be brought against him by any elector of the county or district in which the vote was received in the court of common pleas of any county in the state where process can be served upon him; provided there shall be but one recovery for each

violation of this act, and a failure to prosecute or convict shall not in any manner affect the right to proceed for the recovery of such penalty.

SEC. 8. That any person aiding, abetting or counseling any judge of an election to receive a vote, or aiding, abetting or counseling any person to offer his vote in violation of the provisions of this act, or any person in any manner impeding the challenging of persons as herein provided, shall, on conviction thereof, be imprisoned in the county jail not more than six months nor less than one month, and shall also be liable to a civil action for a penalty in the sum of one hundred dollars, which may be brought against him by any elector of the county or district in which the vote was received, in the court of common pleas of any county where process can be served upon him; provided there shall be but one recovery for each violation of this act, and a failure to prosecute or convict shall not in any manner affect the right to proceed for the recovery of such penalty.

Aiding or  
abetting,  
penalty for.

SEC. 9. Any judge of election sued for rejecting the vote of any person having a distinct and visible admixture of African blood, may change the venue to any county he may elect in the judicial district in which he resides, on making an affidavit that, according to the best of his belief, justice requires such a change to be made.

When judge  
issued for re-  
jecting vote,  
venue may  
be changed,  
&c.

SEC. 10. In all suits brought against any judge of the election for rejecting the vote of any person having a distinct and visible admixture of African blood, the party bringing the action shall be required by the court, on trial, before he shall be entitled to recover, to establish that he is a white male citizen of the United States in the same manner, and by the same evidence, both as to the kind of testimony and number of corroborating witnesses, as prescribed by the provisions of this act in case of challenge, and no evidence shall be received as to the admixture of white blood, based on the opinion of witnesses, founded on personal appearance, unconnected with a full statement of the facts as to the parentage and pedigree of the party bringing the action, nor shall any proof be received as to the reputation or parentage, unless the marriage of the parties is first proved, in reference to whom such reputation exists, or that they lived together as man and wife and were recognized as such, and no recovery shall be had in such action unless the jury are satisfied from the evidence that the judge of the election, in rejecting such vote, acted corruptly or in bad faith; and the court shall so instruct the jury, and where said instruction is omitted or refused, the defendant shall be entitled to a new trial.

Parties  
bringing  
suits against  
judges must  
first prove  
that they are  
white per-  
sons.

SEC. 11. Any candidate for office at any election may, on making an affidavit before a justice of the peace or notary public that he believes it necessary to the enforcement of the provisions of this act, call on the sheriff of the proper county, and, on presenting him such affidavit, require him to furnish a sufficient posse, to be paid as in other cases, to protect any poll where there is a probability that the challenging under the provisions of this act will be impeded,

When sheriff  
may be re-  
quired to fur-  
nish posse to  
protect polls.

Penalty for refusal.

and its other requirements disregarded; and any sheriff refusing to furnish said posse and to protect said poll from all violence and interference by any person or persons whatsoever, shall, on conviction thereof, be imprisoned in the county jail not exceeding thirty days nor less than ten days, and shall also be liable to a civil action by any elector for a penalty of one hundred dollars, which may be brought against him in the court of common pleas of any county where process may be served upon him; provided there shall be but one recovery for every such violation as aforesaid.

When judges shall disregard challenge.

Penalty for challenging in bad faith or without cause.

SEC. 12. No challenge under the provisions of this act shall be regarded by the judges of election where the person challenged has no visible admixture of African blood; and any person challenging an elector in bad faith, or where there is no probable cause for such challenge on account of a visible admixture of African blood, shall, on conviction thereof, be imprisoned in the county jail not more than six months nor less than one month, and shall also be liable to a civil action for a penalty in the sum of five hundred dollars, which action may be brought against him by the person so challenged, in any county where process can be served upon him.

Prosecutions and penalties.

SEC. 13. All prosecutions under the provisions of this act shall be by indictment before the court of common pleas in the county where the offense was committed, and all penalties recovered under this act shall be paid one half to the party in whose name the suit is brought, and the other half into the county treasury where the suit is determined, for the benefit of the common school fund.

This act must be given in charge to grand jury.

SEC. 14. This act shall be given specially in charge to the grand jury at each term of the court of common pleas by the presiding judge thereof, and shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 16, 1868.

#### AN ACT

To amend sections two, four, five and twenty-four of the act entitled "an act to preserve the purity of elections," passed March 20, 1841, (S. & C., 543, 544, 547,) as amended by the acts of April 15, 1857, (vol. 54, O. L., 136,) May 30, 1864, (vol. 61, O. L., 83,) and April 15, 1867, (vol. 64, O. L., 151,) and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (vol. 58, O. L., 17,) May 30, 1864, (vol. 61, O. L., 83,) April 15, 1867, (vol. 64, O. L., 151,) and April 16, 1867, (vol. 64, O. L., 228, 229.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the act entitled "an act to preserve the purity of elections," passed March 20, 1841, as amended by the act passed April 15, 1857, be amended so as to read as follows:

Section 2. No person shall be permitted to vote at any election unless he shall have been an actual resident of the state for one year next preceding the election, an actual resident of the county for thirty days next preceding the election, and an actual resident of the township, incorporated village, or ward of a city or a village for twenty days next preceding the election at which such person shall offer to vote, except where the person offering to vote in any township, incorporated village, or ward of a city or village is the head of a family, and has actually resided in the state and in the county in which such township, incorporated village or ward of a city or village is situated, the length of time required to entitle a person to vote under the provisions of this act, and shall, bona fide, remove with his family, from one ward to another in such city or village, or from a ward of such city or village to a township or incorporated village in the same county, or from a township or incorporated village to a ward of a city or village in the same county, or from one township to another in the same county, in which cases such person shall have the right to vote in such township, incorporated village or ward of a city or village, without having resided therein the length of time above described to entitle a person to vote; provided, that such voter so removing with his family from a township to an incorporated village or ward of a city or village in the same county, shall not have the right to vote at any municipal election held in such city or incorporated village unless he shall have resided therein twenty days prior to such municipal election. In determining the residence of a person offering to vote, the judges of the election shall be governed by the following rules:

Time of residence required.

First—That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Place of residence.

Second—A person shall not be considered or held to have lost his residence who shall leave his home and go into another state, or county of this state for temporary purposes merely, with an intention of returning.

Third—The place where the family of a married man resides shall be considered and held to be his place of residence, except where husband and wife have separated and live apart, then the place where they resided at the time of the separation shall be considered and held to be his place of residence, unless he shall afterwards and during the time of such separation remove from such place, in which case the county, township, city or incorporated village in this state in which he shall reside the length of time required by the provisions of this section to entitle a person to vote, shall be considered and held to be his place of residence.

Fourth—A person shall not be considered or held to have gained a residence in any county, township, city or incorporated village in this state into which he shall come for tem-

As to residence of students, &c.

porary purposes merely, without the intention of making such county, township, city or incorporated village his home.

Fifth—A person shall not be considered or held to have gained a residence in any township, city or incorporated village of this state who may now be in attendance upon, or who shall hereafter come into such township, city or incorporated village to attend any school, seminary, academy, college, university or other institution of learning located or established therein as a pupil, scholar or student, unless the person in attendance on such school, seminary, academy, college, university or other institution of learning as such pupil, scholar or student, was a legally qualified elector of the township, city or incorporated village in which the same is located or established, or unless the pupil, scholar or student shall upon the oath declare that he has no other place of residence, and that it is his intention to make such township, city, or incorporated village his place of permanent residence, or unless the parent or parents of such pupil, scholar or student had an actual residence therein in accordance with the foregoing provisions of this section, or had removed thereto with the intention of making the same such residence before, at the time, or since such attendance commenced.

Removing to other states.

Sixth—If a person remove to another state with the intention of making it his permanent residence, he shall be considered and held to have lost his residence in this state.

Seventh—If a person remove to another state with an intention of remaining there for an indefinite time and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Eighth—The mere intention to acquire a new residence without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

Voting in other states.

Ninth—If a person shall go into another state and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state. If a person offering to vote at any such election shall be challenged as unqualified on the ground that he is in attendance upon, or that he came into the township, incorporated village or ward of a city or village in which he offers to vote, to attend any school, seminary, academy, college, university or other institution of learning located or established therein, as a pupil, scholar or student, the judges of the election, or one of them, shall put to the person so offering to vote, the following questions, in addition to the questions prescribed in section thirteen of the act to which this is amendatory.

Duty of judges as to rights of students.

Questions by judges.

1. Were you a qualified elector of this township, incorporated village or ward at the time you commenced attending such school, seminary, academy, college, university or other institution of learning as a pupil, scholar or student?

2. Did you come into this township, incorporated village or ward to attend any such school, seminary, academy, college, university or other institution of learning, as a pupil, scholar, or student?

3. Did your parents actually reside in this township, incorporated village or ward, at the time you commenced attending such school, seminary, academy, college, university or other institution of learning as a pupil, scholar or student?

4. Did your parents remove to this township, incorporated village or ward, with the intention of making the same their place of residence before, at the time, or since you commenced attending such school, seminary, academy, college, university or other institution of learning as a pupil, scholar or student?

5. Have you no other place of residence than this township, ward or incorporated village?

6. Is it your intention to make this township, ward or incorporated village your place of permanent residence?

SEC. 2. That sections four and five of the above recited act, as amended by the act entitled "an act to amend the fourth and fifth sections of the act to preserve the purity of elections, as amended by the act of April 15, 1857," passed March 30, 1864, be amended so as to read as follows:

Sec. IV. Any person who shall vote in any township, incorporated village, or ward of a city, or village in this state, in which he has not actually resided twenty days next preceding the election, or into which he shall have come for temporary purposes merely, or for the purpose of attending any school, seminary, academy, college, university or other institution of learning, except as above provided for, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, nor less than two hundred dollars, and be imprisoned in the jail of the proper county not more than six months, nor less than three months.

Voting by  
non-resi-  
dent, how  
punished.

Sec. V. Any person being a resident of this state, who shall go or come into any county and vote in such county, not being an actual resident thereof for thirty days next preceding the election, shall, on conviction thereof, be imprisoned in the penitentiary and kept at hard labor not more than three years, nor less than one year.

Same.

SEC. 3. That section twenty-four of said act entitled "an act to preserve the purity of elections," as amended by the act entitled "an act to amend section twenty-four (24) of an act entitled 'an act to preserve the purity of elections,' passed March 20, 1841," passed April 15, 1867, be amended so as to read as follows:

Section 24. If any judge of the election shall knowingly receive or sanction the reception of a vote from any person not having all the qualifications of an elector prescribed by this act, or shall receive or sanction the reception of a ballot from any person who shall refuse to answer any question which shall be put to him in accordance with the provisions of the second and thirteenth sections of this act, or who shall refuse to take the oath prescribed by the fifteenth section of this act, or shall refuse or sanction the refusal by any other judge of the board to which he shall belong, to administer either of the oaths or affirmations prescribed by the thirteenth and fifteenth sections of this act, or if any judge of the election shall refuse to receive or shall sanction the rejection of a ballot from any person, knowing him to have the quali-

Judges shall  
be fined and  
imprisoned  
for failure or  
neglect.

fications of an elector under the provisions of this act, or if any judge or clerk of the election, on whom any duty is enjoined by this act, shall be guilty of any willful neglect of such duty, or of any corrupt conduct in the execution of the same, such judge or clerk shall, on conviction thereof, be fined in any sum not more than one thousand dollars, nor less than three hundred dollars, and be imprisoned in the jail of the county not more than six months, nor less than three months; provided, that the provisions of this act and the penalties thereto shall not apply to clerks or judges of elections for refusing to receive the votes of persons having a visible admixture of African blood, nor shall they be liable for damages by reason of such rejection.

**Proviso.**

**Acts re-pealed.**

SEC. 4. That said section two of the said act entitled "an act to preserve the purity of elections," passed March 20, 1841, as amended by the act passed April 15, 1857; the act entitled "an act amendatory to an act to further amend the act entitled 'an act to preserve the purity of elections,' passed April 15, 1857," passed February 8, 1861; the said act entitled "an act to amend the fourth and fifth sections of the act to preserve the purity of elections, as amended by the act of April 15, 1857," passed March 30, 1864; the act entitled "an act to amend section twenty-four (24) of an act entitled 'an act to preserve the purity of elections,' passed March 20, 1841," passed April 15, 1867; and the act entitled "an act supplementary to an act entitled 'an act to preserve the purity of elections,' passed March 20, 1841," passed April 16, 1867, be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 17, 1868.

#### AN ACT

To extend an act therein named to cities of the first class which have been advanced to the grade of cities of the first class since 1860, and to further regulate the construction of sewers in said cities.

**Provisions of act extended to certain cities.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the operation of an act passed March 23, 1864, entitled "an act to amend an act to authorize the construction of sewers in cities of the second class having over thirteen thousand inhabitants at the last federal census," passed February 9, 1863, be and the same is hereby extended to cities of the first class which have been advanced from



the grade of cities of the second class to that of cities of the first class, since the passage of the said above mentioned act, and that the said act shall have the same force and effect in the said cities as though the same had not advanced from the grade of cities of the second class.

SEC. 2. That the city council of any city to which this act applies shall have the power to subdivide any main sewer district which may have been, or may hereafter be established, into sub main sewer districts in the same manner provided by law for the establishment of main sewer districts, and to lay out and construct, and reconstruct in said sub-main sewer districts sub-main or lateral sewer, and to assess and collect the costs of such construction or reconstruction, upon the lots and lands in said sub-main sewer districts, in the same manner provided by law for the assessment and collection of the costs and expenses of the construction or reconstruction of main sewers.

Establishment of sub-main sewer districts.

SEC. 3. That whenever it shall be found that the proceedings by which the assessment of the costs of the construction or reconstruction of any sewer shall be invalid on account of any informality or want of conformity with the laws in the said assessment, the city council of any such city may order a reassessment, in order to correct said error, and all proceedings upon such assessment shall be conducted in the same manner as by law is provided for the original assessment of the cost of construction or reconstruction of said sewer; and if any court of competent jurisdiction shall by its judgment find that any such assessment is illegal, on account of the proceedings by which such assessment was made not having been conducted in conformity with law, either for errors committed by the city council or by any person appointed by said city council, or by any officer of said council, the said city council, whether the same shall have been constructed or not, shall have power to order a reassessment of the cost of construction or reconstruction of the same, in the same manner hereinbefore provided for.

Invalid or illegal assessment, how corrected.

SEC. 4. That whenever, in cities to which this act applies, a sewer district shall hereafter be set off, or established, the main sewer of which shall be a continuation of, or drain through, or into the main sewer of any other district, the city council of such city, in providing for assessing the costs and expenses of the main sewer in such new sewer district, may provide for assessing upon the lots and lands in such new sewer district such proportion as said council shall determine to be just and proper of the cost and expense of constructing any unconstructed part of the main sewer in the district through which said new main sewer shall drain, such assessment, when the proportion thereof shall be so determined, shall be made in the same manner that other assessments under this act are directed to be made.

How assessment to be apportioned.

SEC. 5. That the provisions of section 6 of an act passed April 8, 1856, (S. and C. vol. 2, pp. 1546 and 1547,) entitled "an act supplementary to an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed

Provisions of act extended.

May 3, 1852, be and the same are hereby extended to the cities mentioned in the first section of this act.

SEC. 6. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 21, 1868.

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AN ACT

To authorize county commissioners to condemn lands upon which to erect a court house and jail.

When county commissioners may appropriate land for court house or jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the county commissioners of any county in this state, in every case where it may be necessary to procure a court house site or land upon which to erect a court house, or court house and jail for such county, and the said county commissioners and the owner thereof shall be unable, from any cause to agree upon the sale and the purchase thereof, to make out an accurate survey and description of the parcel of land which the said county commissioners may desire to appropriate for such building purposes, and file the same with the probate judge of the proper county, and thereupon the same proceedings of appropriation shall be had which are provided for by the act entitled "an act to provide for compensation to owners of private property appropriated to the use of corporations," passed April 30, 1852, and the various acts amendatory and supplementary thereto.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 22, 1868.

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AN ACT

To authorize and require the board of public works to construct a berm bank and culvert below lock 28, on the Miami and Erie canal.

WHEREAS, By the construction of the Miami and Erie canal, a pond covering from forty-five to fifty acres of valuable farming lands, was created at the foot of lock 28, north of Loramie summit, on said canal, injurious to the health, con-

venience and welfare of the inhabitants of Ottoville and vicinity; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and are hereby authorized and required to build and construct such a berme bank and culvert below lock 28, on said Miami and Erie canal, as the resident engineer may suggest, and will be necessary to drain the above mentioned pond, at a cost not exceeding two thousand dollars.

Board of public works to build berme bank and culverts.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 22d, 1868.

#### AN ACT

Supplementary to an act entitled an act to provide for locating, establishing and constructing ditches, drains and water-courses, passed March 27th, 1861, as amended March 20, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state shall have power at any regular or called session, whenever in their opinion it is necessary and will be conducive to the health, convenience or welfare of the public, in case where any ditch, drain or water-course has been established and constructed under the provisions of the act to which this is supplementary, to cause the same to be cleaned out, widened or deepened, as hereinafter provided.

When ditches, &c., may be widened, deepened, or cleaned out.

SEC. 2. Whenever one or more persons owning land adjacent to any such ditch, drain or water-course referred to in section one, shall file a petition setting forth the necessity of such widening, deepening or cleaning out the same, or any part thereof, with the county auditor, and shall file a bond with sureties to the acceptance of said auditor, conditioned to pay all the costs and expenses incurred, in case the commissioners shall refuse to grant the prayer of the petitioners, the county commissioners shall have the same power to cause said ditch, drain or water-course to be cleaned out, deepened or widened, as they have to order any such ditch, drain or water-course to be located and constructed, and the same proceedings shall be required in both cases, except that the commissioners, if they deem it proper, may dispense with the services of an engineer, and that a notice of the day for hearing the petition, and the substance of the prayer of the petition, published in some newspaper of general circulation in the county for two consecutive weeks prior to the hearing of said petition, shall be deemed a sufficient notice to non-residents, and a notice in writing to resident owners of land, six days prior to the time for hearing such petitions shall be deemed a sufficient notice, and

Petition.

Powers and duties of county commissioners.

the costs and expenses shall be assessed and collected in accordance with said original act to which this is supplementary.

SEC. 3. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 25, 1868.

#### AN ACT

To amend section one of an act entitled "an act to enable associations of persons for building hotels and for other purposes to become bodies corporate, passed April 5th, 1866," as amended by an act passed April 16, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the act entitled "an act to enable associations of persons for building hotels and for other purposes to become bodies corporate," passed April 5, 1866, as amended by an act entitled "an act to amend section one of 'an act entitled an act to enable associations of persons for building hotels and for other purposes to become bodies corporate,' passed April 16th, 1867," be so amended as to read as follows:

Who may become a body corporate.

Kind of buildings specified.

Company may acquire and hold certain property

Section 1. That any number of persons not less than three, may associate themselves and become a corporation as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, for the purpose of constructing and maintaining buildings to be used for hotels, store rooms, manufacturing establishments, tenement houses, or water cure establishments for the treatment of invalids, and for places of general public resort; and such company shall be authorized and empowered to acquire, hold, use, and convey at pleasure all such real and personal property as may be necessary and convenient to carry into effect the object of the incorporation, and to construct, establish and maintain suitable buildings and other structures, grounds, walks, drives, and other necessary appendages for the purpose hereinbefore named, and to make all contracts, purchases, sales, conveyances, mortgages and leases necessary to conduct the said business, and to manage the property, and to dispose of the same, to the same extent as is lawful for individuals.

SEC. 2. That said section one as amended April 16, 1867, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 25, 1868.

#### AN ACT

To authorize the incorporation of oil transportation companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons not less than five, may associate themselves together, as is provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, for the purpose of transporting oils through tubing and pipes; and when so organized shall be a body corporate, having all the privileges, immunities and powers which may be deemed necessary for carrying on said business of transporting oils through tubing and piping.

Number of persons required to become a body corporate.

SEC. 2. Any company organized for the purposes aforesaid, shall have power to take by purchase or otherwise, and hold such real and personal estate, to erect or purchase the necessary buildings and machinery for carrying on said business, including also all the necessary equipments and appendages of said business, such as tubing, pumps, tanks, telegraph apparatus and engines, as may be necessary to transport oils through tubes and pipes.

Power to take and hold real estate, &c.

SEC. 3. Such company, when organized as aforesaid, is authorized to enter upon any land for the purpose of examining and surveying a line for its tubing and pipes for the transportation of oil, and may appropriate so much thereof as may be deemed necessary for the laying down of such tubing and piping, and for the erection of tanks and the location of stations along such line, and the erection of such buildings as may be necessary for the purpose aforesaid, but no appropriation of private property shall be had, as provided for in this act, until full compensation shall be made in money, or first secured by deposit to the owner or owners irrespective of any benefit from any improvements proposed by such corporation as is now prescribed by law; provided, that such companies when so organized shall, for the purpose of transporting oils, be considered and held to be common

Company authorized to enter upon lands, for purpose of surveying, &c.

Compensation for property taken.

carriers, and subject to all the duties and liabilities of such carriers under the laws of this state.

SEC. 4. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 25, 1868.

#### AN ACT

Supplemental of an act entitled "an act to enable associations of persons for raising funds to be loaned among their members for building them homesteads and other purposes to become bodies corporate," passed February 21, 1867. (Ohio Laws, vol. 64, page 18.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any savings, loan and building association, which may heretofore have been or that may hereafter be incorporated and organized under the provisions of an act or acts to which this is supplemental, for savings, loan and building purposes, shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the secretary of state a certificate setting forth the amount of such desired increase, and thereafter to have such increased capital as is fixed by said certificate.

Increase of  
capital stock.

SEC. 2. Any share or shares of stock held in such savings, loan and building association, by or in the name of any minor, by a trustee of or guardian of any woman being or afterwards becoming a married woman, may at the discretion of the board of directors and with the consent of such woman or trustee or guardian, be paid to such woman or trustee or guardian, and the same shall be a valid payment.

Disposition  
of shares held  
by guardians  
or trustees.

SEC. 3. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 25, 1868.

#### AN ACT.

Defining the duties and powers of the board of city improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cities of the first class having a population of over fifty thousand and less than one hundred thousand inhabitants, the board of city improvements shall have the supervision, care and control of the lighting, clean-

General pow-  
ers of board.

ing, improving and repairs of all streets, lanes, alleys, parks, public grounds, public wharves and landings of the city, market houses and spaces, bridges, sewers, culverts and ship channels.

SEC. 2. That no improvement or repairs shall be ordered or directed by the city council for any street, lane, alley, park, public grounds, market houses or spaces, bridges, sewers, culverts, navigable streams, ship channels, public wharves or landing of such city, except on the report and recommendation of the board of city improvements; and all petitions from owners of property shall be presented to the board, who shall report from time to time to the city council when any such improvement is necessary or proper; also when an assessment is required they shall report the same, and the proper amount to be assessed, and the city council shall take such action thereon as they may deem proper.

No improvements to be made except on recommendation of board.

SEC. 3. That whenever, in the opinion of said board of city improvements, it may be necessary or expedient to lease or dispose of any wharf or public landing, or to dispose of any material from any street, sewer, bridge, park, public ground or ship channel, they shall report the same to the city council for its action, and if the said city council shall decide to lease or dispose of the wharf, public landing or material as aforesaid, said board shall proceed to lease or dispose of the same as the case may be; and the fund arising therefrom shall be paid into the city treasury to the credit of the particular fund to which the same may belong, and if there be no fund to which the same especially belongs, then into the general fund of the city.

Leasing or disposing of public property.

Disposition of funds arising from sales.

SEC. 4. That the board shall appoint a clerk whose duty it shall be to attend all the meetings of the board, and make a correct record of all its actions, and shall enter the same in a journal of proceedings which shall be kept for that purpose with an index thereto, and which shall be at all times open to inspection by the public; and it shall also be the duty of the clerk to attend to all such other business as the board shall from time to time direct, and he shall also act as clerk to the mayor in his official capacity; and he shall receive such compensation for his services as the city council upon the recommendation of the board shall determine; said board shall also have power to employ such person or persons to superintend the work of making improvements herein provided for whenever the interests of the public demand it.

Clerk of board—his duties, &c.

Superintendent of improvement.

SEC. 5. The board shall adopt such rules and regulations for its government as it may deem necessary and expedient, but not inconsistent nor in conflict with the laws and ordinances of the city.

Rules and regulations.

SEC. 6. This act shall be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 27, 1868.

For the relief of hydraulic companies.

Company  
may borrow  
money and  
issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any hydraulic company, incorporated under the laws of this state, may, for the purpose of repairing, completing or extending its works, borrow money to an amount not exceeding one third of its capital stock, actually paid in, and may secure the payment of the money so borrowed by the issue of bonds or notes, bearing interest not to exceed the rate authorized by law, and secured by mortgage or mortgages on its real estate or any part thereof.

SEC. 2. This act shall take effect from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 28, 1868.

#### AN ACT

To amend "an act supplementary to an act to provide for and regulate street railroad companies," passed March 27, 1866. (Ohio Laws, vol. 58 [63], page 55.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act supplementary to an act to provide for and regulate street railroad companies, passed March 27, 1866 (Ohio Laws, vol. 63, page 55), be amended so as to read as follows:

Consent of  
property-hol-  
ders—how  
obtained.

Section 3. That when any council of any such city or incorporated village, shall grant or give its consent to the use of the streets or avenues of said city or incorporated village, for a street railroad, the company or individual, or company of individuals obtaining such grant or consent, shall not proceed to construct said road until the consent in writing of a majority in interest of the owners of the property abutting upon the street or avenue, or part thereof, in which said road is to be constructed, shall have been obtained and filed with the council of such city or incorporated village, and notice of such filing published as provided in the preceding section, nor until the council, being satisfied that such consent has been obtained, shall so declare by ordinance or resolution, except as provided in the next succeeding section of this act; and for the purpose of determining who are a majority in interest of the owners of such property, reference shall be had to the assessed value of the whole property located upon the street, avenue, or part thereof in which said road is to be constructed.



SEC. 2. That the original section three of said act, passed March 27, 1866, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 29, 1868.

#### AN ACT

To authorize township trustees to appoint harbor-masters in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any township in the state of Ohio containing a harbor or port, or any lake, where vessels are accustomed to lie for the purpose of receiving or discharging freight, which harbor or port is not situated within the limits of a city or incorporated village, the township trustees may, if they deem that the public interest demands it, appoint a suitable person to act as harbor master, whose powers and duties shall be prescribed by the trustees of such township; which powers and duties shall be the same as are or may be prescribed for harbor-masters in cities and villages so far as the same may be applicable; and such harbor-master so appointed shall hold his office for one year and until his successor is appointed and qualified, or until his appointment is annulled by the township trustees, and shall receive as payment for such services thus rendered, such sum as the trustees shall designate, not to exceed one hundred and fifty dollars per year, which shall be paid out of the treasury of the township on the order of the trustees.

Trustees may  
appoint har-  
bor masters.

Powers, du-  
ties, &c.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30th, 1868.

#### AN ACT

To amend an act entitled "an act to amend an act to transfer and appropriate certain funds therein named," passed March 16th, 1867; passed April 16th, 1867. (Vol. 64 O. L., p. 240.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be amended so as to read as follows:

Transfer of  
accumulated  
unexpended  
military  
fund to gen-  
eral town-  
ship fund.

Section 1. That in any township in this state, in the treasury of which township, or in the hands of any individual who acted as treasurer for any fund for raising volunteers, there shall have been an accumulation of any funds during or since the war, for the payment of bounties to volunteers, for the relief of families of soldiers or marines in the service of the state or of the United States, or by the voluntary contribution of individuals for either of said purposes, and in which treasuries there shall be remaining an unexpended balance of such funds not needed for the purpose for which it was raised, the trustees of such township are hereby authorized to receive and transfer any such unexpended balance of any such funds to the township fund of such township, and appropriate the same to the current expenses of such township, or to school, road, or any other purpose for which township trustees are authorized by law to levy and use money in their respective townships; provided, that where there is in such township any city or incorporated village, the proportion of such funds raised by taxation or otherwise within the corporate limits of such city or village, shall be carefully estimated, and shall be by the trustees of such township transferred to the funds of such city or village, and may be by such city or village used for the purposes herein provided.

SEC. 2. That the said amended section one of the said act, be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30, 1868.

#### AN ACT

To amend section six of an act entitled an act making appropriations for the year 1842, passed March 7th, 1842. (S & C., vol. 1, p. 115.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six of an act entitled an act making appropriations for the year 1842, be so amended as to read as follows:

Fiscal year  
to close 15th  
November  
annually.

Auditor to  
rep rt bal  
ances.

Section 6. That the fiscal year in all the departments of the state, the benevolent, correctional and other institutions of the state, the public works and buildings of the state, shall close on the 15th of November annually, and all annual reports from such departments shall be made with reference to that date; and the auditor of state shall, on the 15th day of February, annually, ascertain from the books in his office, all balances of appropriations made for said departments of state, and the benevolent, correctional and other institutions,

and the public works and public buildings of the state, and all balances of all other funds remaining in the treasury of state on said date in each year, and immediately thereafter report the same to the general assembly if in session.

SEC. 2. This act shall be in force and take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

#### AN ACT

To repeal an act entitled "an act to provide [for] the establishing of a line of wharfing and dockage in navigable waters in this state," passed March 29th, 1867. (O. L. vol. 64, p. 87.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "an act to provide for the establishing of a line of wharfing and dockage in navigable waters in this state," passed March 29th, 1867, be and the same is hereby repealed.

Act repealed.

SEC. 2. That the rights of any riparian owner shall not be prejudiced or impaired by reason of any line of wharfing and dockage established by the board of public works under the provisions of the act hereby repealed.

Rights not to be impaired.

SEC. 3. This act to take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

#### AN ACT

Further to prescribe the duties of sheriffs and coroners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be kept in the office of the sheriff of each county of this state, a cash book, to be furnished at the cost of the county, in which book the sheriff or coroner, on receipt by him of any money, in his official capacity, shall make an entry of the date and amount of the same, the title of the cause, the name and number of the writ or process on which received; and if received on sale of real estate in partition or otherwise, where the sale has been for part cash, and notes or other evidences of indebtedness are taken for part of the purchase money, it shall be his duty

Sheriff and coroner to keep a cash book, &c.

to make an entry on said cash book of the date, number and amount of said notes, so taken by him.

To be kept at  
sheriff's  
office.

SEC. 2. That the book, by this act required to be kept, shall not be removed from the sheriff's office, but shall be delivered over, without mutilation, as public property, to each succeeding sheriff, or in case of a vacancy to the coroner, and shall be open to inspection by any person wishing to inspect the same.

Moneys,  
notes, &c., to  
be paid over  
to clerk or  
successor.

SEC. 3. It is hereby made the duty of such sheriff or coroner, upon retiring from office, to pay over to the clerk of the court of common pleas all moneys so received by him as aforesaid, then remaining in his hands, and to deliver to his successor in office all notes, mortgages and other evidences of indebtedness, and it is hereby made the duty of each sheriff to demand and receive from his predecessor the books and papers aforesaid.

Penalty for  
neglect or  
refusal.

SEC. 4. That every sheriff or coroner who shall fail, neglect or refuse to comply with the provisions of this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, at the discretion of the court, and shall be liable for all damages caused by any such failure, neglect or refusal.

Prosecutions  
by indictment.

SEC. 5. All prosecutions under this act shall be by indictment in the court of common pleas.

SEC. 6. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30th, 1868.

#### AN ACT

To amend section sixty-six of the "act to establish a code of civil procedure," passed March 11 1853. (S. & C., vol. 2, p. 940.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-six of the above recited act be so amended as to read as follows:

How sum-  
mons served  
on corpora-  
tions gen-  
erally.

Section 66. A summons against a corporation may be served upon the president, mayor, chairman of the board of directors or trustees, or other chief officer, or if its chief officer is not found in the county, upon its cashier, treasurer, secretary, clerk or managing agent, or if none of the aforesaid officers can be found, by a copy left at the office or usual place of business of such corporation with the person having charge thereof. And if such corporation be a railroad company, whether foreign or created by the laws of this state, and whether the charter of such company prescribe the manner and place, or either, of service of process on such company, such summons may be served upon any regular ticket or freight agent of such company, in any county in this state in which such railroad may [be] located, or through which the same may pass.

On a railroad  
company.

SEC. 2. That said original section sixty-six of the above recited act be hereby repealed, and this act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*

T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

#### AN ACT

Making appropriations for the year 1868, and the first quarter of 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, in addition to former appropriations applied to the same purposes herein expressed, be and the same are hereby appropriated out of any moneys belonging to the general revenue fund, to be paid out of the treasury according to law, viz :

#### AGRICULTURE.

For the encouragement and improvement of the agricultural interests of the state, to be expended as the state board of agriculture may deem most conducive to that end, and to be paid to the president of the state board of agriculture, three thousand dollars.

Encouragement of agriculture.

To the Ohio Horticultural Society, to be paid to the president thereof, five hundred dollars.

Horticultural society.

For contingent expenses of the office of the state board of agriculture, five hundred dollars.

Expenses of board.

#### ARSENAL.

To pay for labor at the state arsenal, including tools, fuel and materials, under the direction of the person or persons who by law have charge of the same, one thousand dollars.

Pay for labor

#### BENEVOLENT INSTITUTIONS.

##### ASYLUM FOR THE BLIND.

To pay the salaries of the superintendent, steward, matron, assistant matron, physician, and teachers of the asylum for the blind, for the year 1868, four thousand eight hundred and fifty-seven dollars; and for the first quarter of the year 1869, two thousand and fifty dollars.

Salaries.

For the purchase of provisions, and to pay other necessary current expenses and repairs of said asylum for 1868, thirteen thousand seven hundred and fifty dollars; and for the first quarter of the year 1869, six thousand two hundred and fifty dollars.

Provisions, expenses, &c.

## CENTRAL OHIO LUNATIC ASYLUM.

- Salaries.** To pay the salaries of the superintendent, two assistant physicians, steward, matron and assistant matron of central Ohio lunatic asylum for the year 1868, twenty-seven hundred and forty-one dollars; and for the first quarter of 1869, one thousand and twenty-five dollars.
- Books, &c.** For books and pictures, two hundred dollars, for the use of the patients alone.
- Provisions, expenses, &c.** For provisions and necessary current expenses and repairs for the year 1868, forty-three thousand two hundred and fifty dollars; and for the first quarter of the year 1869, seventeen thousand seven hundred and fifty dollars.
- Improvements, &c.** For necessary improvements and the purchase of additional machinery and apparatus for said institution, twenty-five hundred dollars.

## NORTHERN LUNATIC ASYLUM.

- Salaries.** To pay the salaries of the superintendent, assistant physicians, steward and matron of the northern lunatic asylum, for the year 1868, nineteen hundred and fifty dollars; for the first quarter of 1869, seven hundred and seventy-five dollars.
- Books, &c.** For books and pictures, two hundred dollars, for the use of the patients alone.
- Provisions, expenses, &c.** For provisions and necessary current expenses and repairs, for the year 1868, twenty-three thousand three hundred and seventy-five dollars; and for the first quarter of the year 1869, sixteen thousand one hundred and twenty-five dollars.
- Furnishing new wings, &c.** For furnishing the new wings, and for additional story on kitchen, together with other necessary improvements of said asylum, nineteen thousand dollars.

## SOUTHERN OHIO LUNATIC ASYLUM.

- Salaries** To pay the salaries of the superintendent, assistant physician, steward and matron of the southern Ohio lunatic asylum for the year 1868, eighteen hundred and twenty dollars; and for the first quarter of the year 1869, seven hundred and seventy-five dollars.
- Books, &c.** For books and pictures, two hundred dollars, for the use of the patients alone.
- Provisions, expenses, &c.** For provisions and necessary current expenses and repairs for the year 1868, twenty-five thousand four hundred and seventy dollars; and for the first quarter of the year 1869, fifteen thousand dollars.
- Repairs.** For repairs of barn, stable and gas works, injured by the storm in March, 1868, six thousand dollars.
- New wings.** For completing and furnishing the new wings, one hundred and twenty-five thousand dollars.

## LONGVIEW ASYLUM.

- General appropriation.** For the Longview asylum, a sum to be computed and ascertained by the auditor of state, agreeably to the laws provided for the constitution of Hamilton county into a

separate district for lunatic asylum purposes, and for the erection and government of an asylum therein; and the sum hereby appropriated shall be paid upon like vouchers as in case of the current expenses of other lunatic asylums.

#### DEAF AND DUMB ASYLUM.

To pay the salaries of the superintendent, steward, matron, assistant matron, physician and teachers, and other employes of the asylum for the deaf and dumb for the year 1868, ten thousand two hundred and seventy-five dollars; and for the first quarter of the year 1869, three thousand four hundred and twenty-five dollars. Salaries.

For the purchase of provisions, and other necessary current expenses and repairs of said asylum for the year 1868, fourteen thousand dollars; and for the first quarter of the year 1869, ten thousand dollars. Provisions, expenses, &c.

For the completion of the new building for the deaf and dumb asylum, in pursuance of the law for the erection thereof, and to put the same in complete running order, eighty-five thousand dollars. Completion of building.

For purchasing additional materials for state bindery in deaf and dumb asylum, twenty-five hundred dollars. Bindery department.

#### ASYLUM FOR IDIOTS.

To pay the salaries of superintendent, matrons and teachers of the asylum for idiots for the year 1868, nineteen hundred and thirty-five dollars; and for the first quarter of the year 1869, nine hundred dollars. Salaries.

To complete and furnish the new asylum, forty-three thousand dollars. Completion of building.

For the purchase of provisions, and for necessary current expenses for the year 1868, thirteen thousand seven hundred and fifty dollars; and for the first quarter of 1869, six thousand two hundred and fifty dollars. Provisions, expenses, &c.

#### REFORM FARM.

To pay the salaries of the acting commissioner, matron, teachers, officers and other employes of the Ohio reform school for the year 1868, six thousand dollars; and for the first quarter of the year 1869, twenty-five hundred dollars. Salaries.

For the current expenses of maintaining and educating the youth committed and admitted to the Ohio reform school for the year 1868, twenty-one thousand two hundred and fifty dollars; and for the first quarter of the year 1869, eight thousand two hundred and fifty dollars. Expenses.

For lumber for the use of said institution, five hundred dollars. Lumber.

#### TRUSTEES.

To pay the expenses of the trustees of the benevolent institutions, including expenses of the board of state charities, for the year 1868, fifteen hundred dollars; and for the first quarter of 1869, five hundred dollars. Expenses of trustees.

### BOUNTIES FOR VETERANS.

**Bounties.** To pay bounties to veteran volunteers under provisions of the act of April 16, 1867, (O. L. 64, page 231,) fifteen thousand dollars.

### CLAIMS.

**Claims.** To pay claims allowed or to be allowed under the act of April 6th, 1866, (Ohio Laws 63, page 157.) thirty-three thousand and twenty dollars, and the unexpended balance of appropriations made to pay claims allowed by the board of military claims in 1863, is hereby re appropriated, and said balance is made applicable to claims outstanding which have been allowed by the boards of military claims of 1862, 1864, 1865 and 1866, as well as those allowed in 1863.

### CONTINGENT FUND OF GOVERNOR.

**Governor's contingent.** For the governor's contingent expenses, and for the necessary repairs of the executive rooms, and for the expenses incurred in the temporary relief of sick and wounded soldiers of Ohio, three thousand dollars.

### LEGISLATURE.

**Expenses of general assembly.** To pay the members of the general assembly, their clerks, assistant clerks, sergeants at-arms, assistant sergeants-at-arms and messengers, under resolutions of the senate and house, and the laws, fifty-five thousand dollars; for the expenses of the committees of the general assembly five hundred dollars.

### MISCELLANEOUS.

**Appraisal and sale of lands.** For the expenses of appraisal and sale of lands, three hundred dollars of the unexpended balance of former appropriations; and the remainder of said appropriations, amounting to six hundred and thirty-four dollars and ninety nine cents, is hereby transferred to the general revenue fund.

**Distribution of laws, &c.** For the distribution of the laws, journals and public documents, two thousand dollars.

**Seneca county bank.** To redeem Seneca county bank notes and certificates, to be paid in accordance with an act passed Feb. 16, 1866, (O. L., vol. 63, p. 12,) one thousand dollars.

**Fire alarm telegraph.** The superintendents of the benevolent institutions of the state east of the Scioto river, and the warden of the Ohio penitentiary, are hereby authorized to let to the lowest responsible bidder the work of connecting said institutions and penitentiary, by the necessary wires and apparatus with the "fire alarm telegraph" of the city of Columbus, notice of which letting shall be given by advertisement for one week in the daily papers of said city; and to complete said work and pay all expenses incident thereto, the sum of twelve hundred dollars is hereby appropriated, and the auditor of state directed to draw an order in favor of the contractor for the payment of the contract price for said work, upon the certi-



ficate of the superintendent of said benevolent institutions and warden of said penitentiary, that the work has been completed in accordance with said contract.

To pay the mileage of county treasurers in settling with the auditor of state, the distances to be computed by the nearest usual routes of public travel from the county seats to the seat of government, three thousand three hundred dollars.

Mileage of county treasurers.

To pay for new cases for the office of the commissioner of common schools, three hundred dollars.

Commissioner of common schools.

To pay for tuition of soldiers in the state universities at Athens and Oxford, to be audited and paid in conformity with an act passed Feb. 10, 1864, and an act passed April 6, 1866, three thousand dollars.

Tuition of soldiers.

To pay Thomas McKee, in accordance with joint resolution passed Feb. 15, 1868, ninety dollars, with interest on the same from June 14, 1855.

Thos. McKee.

#### OHIO PENITENTIARY.

To pay the salaries of the warden, and other officers and guards of the Ohio penitentiary, for the year 1868, thirty thousand seven hundred and fifty dollars; and for the first quarter of the year 1869, fourteen thousand two hundred and fifty dollars. For provisions and current expenses for the year 1868, fifty thousand dollars; and for the first quarter of the year 1869, seventeen thousand dollars; for ventilating buildings, repairing and constructing new shops, twenty thousand dollars.

Salaries.

Expenses, &c.

Ventilation.

To pay the costs of prosecution and transportation of convicts to the Ohio penitentiary, thirty thousand dollars.

Costs of prosecution.

#### STATE HOUSE.

To pay the ordinary expenses of taking care of state house and grounds, and preparing the halls for the general assembly, two thousand dollars.

General expenses.

To pay for fuel for the state house, two thousand dollars.

Fuel.

To pay for gas for lighting the state house, fifteen hundred dollars.

Gas.

To pay for labor and other necessary expenses of the heating apparatus of the state house, one thousand dollars.

Heating apparatus.

For repairs to the engines and boilers, including the rebuilding of the boiler furnace, three thousand dollars.

Repairs engine, &c.

To pay the night watch at the state house, to be employed by the treasurer of state, and who shall serve as night watch for the state house generally, six hundred and sixty-six and 67-100 dollars.

Night watch.

For supplying seals, as may be required by law, five hundred dollars.

Seals.

#### STATE LIBRARY.

To purchase books, magazines and newspapers for the state library, fifteen hundred dollars; and for the necessary contingent expenses of the state library, four hundred dollars.

Books, papers, &c.

## STATE SALARIES AND EXPENSES.

## Salaries state officers.

To pay the salaries of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, attorney general, comptroller of the treasury, commissioner of common schools, state librarian, commissioner of railroads and telegraphs, private secretary of the governor, superintendent of the state house, supervisor of public printing, clerk of the supreme court, and law librarian, twenty thousand dollars.

## Judges.

To pay the salaries of the judges of the supreme court, courts of common pleas and superior courts, one hundred and eleven thousand dollars.

## Auditor's clerks.

To pay the clerks in the office of auditor of state, seven thousand five hundred dollars; and for necessary contingent expenses of said office, two thousand dollars.

## Treasurer's clerks.

To pay clerks in the office of treasurer of state, three thousand eight hundred dollars; and for necessary contingent expenses of said office, ten hundred dollars.

## Secretary's clerks.

To pay clerks in the office of secretary of state, two thousand and twenty four dollars; and for the necessary contingent expenses of said office, thirteen hundred dollars.

To pay a clerk in the bureau of statistics, under the act of April 17, 1868, five hundred dollars.

## Comptroller's clerks.

To pay clerks in the office of the comptroller of the treasury, thirty-nine hundred dollars; and for necessary contingent expenses in said office, one thousand dollars.

## Clerks, &amp;c., of commissioner of schools.

To pay clerks in the office of commissioner of common schools, seven hundred and fifty dollars; and for the necessary contingent expenses of said office, seven hundred dollars.

## Attorney-general's contingent.

To pay necessary contingent expenses of the office of attorney general, fifteen hundred dollars.

## Adjutant-general's clerks.

To pay the clerks in the office of the adjutant-general, two thousand dollars.

## Clerk of Military claims.

To pay one clerk and the necessary expenses of the board of military claims, fifteen hundred dollars.

## Clerk of commissioner of railroads.

To pay clerk in the office of commissioner of railroads and telegraphs, one thousand dollars; and for the necessary contingent expenses of said office, three hundred dollars.

## Adjutant-general's compensation.

For the compensation of the adjutant-general, fifteen hundred dollars.

## STATIONERY AND PRINTING.

## Stationery, &amp;c.

For stationery and blank books, including printing paper and articles necessary for the general assembly, thirty-six thousand dollars.

## Printing.

To pay for printing for the state, twenty-one thousand dollars.

## Binding.

To pay for binding for the state, including deficiency in appropriation for 1867, fifteen thousand dollars; and the expenses necessary for executing the binding at the deaf and dumb asylum, shall be paid to the superintendent of said asylum upon duplicate vouchers certified by the supervisor of public printing.

The expense of publishing the Ohio agricultural report for the year 1867, in pursuance of joint resolution, passed [April 30,] 1868, and in accordance with the act passed March 24, 1860, shall be paid out of the last three appropriations.

Agricultural  
report.

#### SUPREME COURT.

To pay the salary of the reporter of the supreme court, three hundred dollars. Reporter's salary.

To purchase Ohio Reports, fifteen hundred and seventy-five dollars. Ohio Reports.

To pay contingent expenses of the supreme court, three hundred dollars. Contingent.

To purchase books for the law library of the supreme court, under the direction of the chief justice, fifteen hundred dollars. Books.

To pay necessary contingent expenses of the clerk of the supreme court, two hundred dollars. Clerk's contingent.

For the payment of the necessary expenses of the presidential election in 1868, according to the requirements of the law and incident thereto, two thousand dollars. Presidential election.

#### COMMON SCHOOL FUND.

SEC. 2. There is hereby appropriated from any moneys raised or accruing in the state treasury, for the support of common schools, one million five hundred thousand dollars, or so much as may come into said treasury for such purpose, to be distributed and paid in the manner prescribed by law.

Common  
school fund.

#### PUBLIC WORKS—CANAL FUND.

SEC. 3. That there is hereby appropriated from any money belonging to the canal fund, or which may be derived from the lease or use of the public works of the state, as follows:

To pay the salaries of the members of the board of public works, twenty-two hundred dollars.

Salaries of  
board.

To pay the salaries of the resident engineers of the public works, twenty-seven hundred dollars.

—of engi-  
neers.

To pay the clerk of said board, six hundred dollars.

—of clerk.

To complete the Gilead side cut, five hundred dollars, in addition to the balance reported by the auditor of state, in the treasury subject to draft November 15th, 1867.

Gilead side  
cut.

To Ezra Bimm, for a new lock house in place of one lost by the expiration of lease of ground, twelve hundred and thirty-one dollars and thirty-five cents.

Ezra Bimm.

To pay attorneys' fees and other incidental expenses of the board of public works, five hundred dollars; for the enlargement of culverts on the Miami and Erie canal, as provided in the act on this subject, passed March 20, 1868, twenty thousand dollars.

Attorneys'  
fees, &c.  
Culverts.

## NATIONAL ROAD.

Superintendence and repairs.

For superintendence and repairs on the national road for one year from the 15th of February, 1868, there is hereby appropriated whatever sums may be collected and paid into the state treasury to the credit of the national road fund during said period of one year, together with the unexpended collections of the two years previous, applicable to the same purpose.

## SINKING FUND.

Payment of interest.

SEC. 4. There is hereby appropriated from any money in the treasury, by transfer or otherwise, and that may come into the treasury belonging to the sinking fund, provided, that no funds shall be transferred that were raised by taxation for the relief of the soldiers, and known as the "relief fund," for the payment of interest on the foreign and domestic debt of the state, six hundred and fifty-five thousand dollars.

Irreducible debt.

For the payment of the interest on the irreducible debt or trust funds held by the state, two hundred thousand dollars.

Foreign and domestic debt.  
War debt.

For the payment of the principal of the foreign and domestic debt of the state, two hundred and thirty nine thousand six hundred and fifty-six dollars; and whatever amount may be collected from the government of the United States on account of claims for advances made by the state on account of the war, which amounts are hereby directed to be paid into the treasury to the credit of the sinking fund, together with any additional sum or sums that may be in or come into the treasury applicable thereto and not otherwise appropriated.

Office of sinking fund commissioners.

For the expenses of the office of the commissioners of the sinking fund, including salary of clerk, three thousand dollars.

Refunding taxes, &c.

SEC. 5. That there is hereby appropriated out of the balance in the treasury, heretofore appropriated for the purpose of refunding taxes improperly assessed or too often collected, the sum of one thousand dollars, and the remainder of said appropriation, being twenty-three thousand five hundred and nineteen dollars and seventy-four cents, is hereby transferred to the general revenue fund; and all balances in the treasury no longer needed for the purposes for which they were appropriated, are hereby transferred to the general revenue fund.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30, 1868.

## AN ACT

To amend section eight of an act entitled an act "to provide for locating, establishing and constructing ditches, drains and water courses," passed March 27, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the above recited act be amended to read as follows, viz :

Section 8. Hereafter, on the completion of any ditch, drain or water course, or any portion or section thereof, located, established and constructed under the provisions of this act, the same shall be accepted and received by the surveyor and engineer, who shall give the person doing the work a certificate that said portion or section of said ditch, drain or water course, has been completed according to the specifications and directions of the commissioners of said county, and said person shall file said certificate with the county auditor, retaining a true copy thereof, certified and signed by said auditor; and it shall be the duty of each and every person owning lands through which, or adjacent to which, said ditch, drain or water course has been located, established and constructed under the provisions of this act, and to whom a certain section of the work is assigned in the construction of the same for himself, his heirs and assigns, forever to keep the section or portion assigned to him or them in the construction, open and in good repair; and on failure or neglect so to do, it shall be lawful for any person feeling injured or aggrieved thereby to notify the person (if he be a resident of said land) suffering said ditch, drain or water course to fill up or get out of repair on his, her or their said section of such ditch, drain or water course, as was assigned to him, her or them in the original construction of the same; and if the person neglects, fails or refuses to open, clean and repair the same, then the person injured and aggrieved shall file grievances with the county auditor, whose duty it shall be to order the supervisor of the district within the boundaries of which said ditch, drain or water course is to be repaired, to repair the same; and he (the auditor) may, if the nature of the case require it, order out a competent surveyor and engineer to examine the premises thus complained of, who shall report the condition of the same to the said auditor, and the amount expended by the supervisor in repairing any section or portion of said ditch, drain or water course, shall be certified to the county auditor, by said supervisor, and said auditor shall give said supervisor, surveyor and engineer, severally, a certificate for the amount of their services; and the county auditor shall enter the amount of said certificates thus given for the repairing of any portion or section of said ditch, drain or water course, together with the treasurer's per cent. and legal interest, upon the tax duplicate of said county against the lot or tract of land to which said portion or section thus repaired was assigned at the time of the original construction of the said ditch, drain or water course, and the same shall be collected by the county treasurer the same as other taxes, and paid over by him to the person or persons holding said certificates.

Ditch, drain,  
etc., to be  
accepted  
completed.

Duties of ad-  
jacent land  
owners.

—of super-  
visor and  
auditor.

Section re-  
pealed.

SEC. 2. That original section eight be and the same is hereby repealed; provided, that no rights acquired or liabilities incurred under said original section eight shall be affected by its repeal.

SEC. 3. This act to take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30th, 1868.

#### AN ACT

Amendatory and supplementary to the act to provide for the election of an additional judge of the court of common pleas in the third sub-division of the seventh judicial district, passed April 2d, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Special elec-  
tion for addi-  
tional judge.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the seventh judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the third sub-division of said district, composed of the counties of Athens, Washington, Gallia and Meigs, and be elected by the qualified voters of said counties, at a special election to be holden in said counties of Athens, Washington, Gallia and Meigs, on the first Monday in June, A. D. 1868.

Election—  
how con-  
ducted.

SEC. 2. That said election shall be conducted and the returns thereof made in the same manner as if said judge had been elected at the annual election of state and county officers; and thereupon the governor shall issue a commission to the person elected such judge.

Term of  
office, salary,  
etc.

SEC. 3. The term of office of said judge shall commence on the first Monday of July, A. D. 1868, and shall continue for the full term of five years thereafter; and when elected and qualified shall receive the same salary, and shall have in all respects the same powers, and discharge the same duties, as are conferred and enjoined by the constitution and laws of the state of Ohio upon other judges of said court; and any vacancy that may occur in the office of such additional judge during said term shall be filled as in other cases.

Duty of  
sheriffs.

SEC. 4. That it shall be the duty of the sheriff in each county in said sub-division, at least fifteen days prior to said first Monday of June, 1868, and at least fifteen days prior to the first Monday of June, hereafter, in each year, when the election of such additional judge is to be held, to give notice by proclamation of the time and place of holding such election.

SEC. 5. The act to which this is supplemental and amendatory shall be in force and take effect from and after the passage of this act.

SEC. 6. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

#### AN ACT

To regulate meetings of councils in cities of the first class, having a population exceeding one hundred thousand inhabitants, and to repeal section two of an act passed April 4, 1862, entitled "An act relating to cities of the first class, having a population exceeding eighty thousand inhabitants."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the first class, having a population exceeding one hundred thousand inhabitants, shall not be required to hold more than one meeting in each week; and the meetings of such city councils may be held at such times as may be by ordinance prescribed. The members of the council, or trustees of the wards, shall receive no compensation for their services.

Councils required to hold but one meeting per week.

SEC. 2. That section 2 of the act of April 4, 1862, entitled "an act to regulate the meetings of councils in cities of the first class, exceeding one hundred thousand inhabitants, and to repeal sections 1, 12, 14 and 17 of an act passed March 3, 1860, entitled 'an act relating to cities of the first class, having a population exceeding one hundred thousand inhabitants,'" be and the same is hereby repealed.

Sections repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To regulate the sale of patent rights in the State of Ohio, and prevent frauds connected therewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, it shall be unlawful for any person to sell or barter, or offer to sell or barter, in any county within the state, any patent right, or any right claimed by such person to be a patent right, without first making the affidavit and proof herein-after provided for.

Affidavit required.

Letters  
patent to be  
submitted to  
probate  
judge.

Affidavit.

Certificate.

Considera-  
tion to be  
specified in  
note, &c.

Penalty for  
violation of  
this act.

SEC. 2. Any person or persons desiring or intending to sell or barter any patent right, or any right which such person shall claim to be a patent right, shall, before offering to sell or barter the same in any county within this state, submit to the probate judge of such county, for his examination, the letters patent, or a duly authenticated copy thereof, and his authority to sell or barter the right so patented; and shall, at the same time, swear or affirm to an affidavit before such judge, stating the name, age, place of residence, and former occupation of the applicant, and if an agent, the name, occupation and residence of his or her principal; which affidavit shall be filed and preserved in the office of said judge; and if such judge be satisfied that the right so intended to be sold or bartered, has been duly patented, and that the letters patent have not expired or been revoked or annulled, and that the applicant is duly empowered to sell the same within such county, or any township thereof; and such probate judge shall record every such affidavit, the date of such letters patent, to whom the same were issued, and the designation or name of such patent right given therein, in a book to be kept in his office, and give copies of such record on demand as of other public records.

SEC. 3. Any person to whom such certificate may be issued, shall exhibit the same to any person on demand.

SEC. 4. Any person who may take any promise or obligation in writing, for which any patent right, or right claimed by him or her to be a patent right, shall form the whole or any part of the condition, shall, at the time of the taking thereof, insert therein, in the body of the instrument and above the signature thereto, in prominent and legible writing or print, the words "*given for a patent right;*" and all such obligations or promises, if transferred, shall be subject to all defenses as if owned by the original promisee.

SEC. 5. That any person who shall sell or barter, or offer to sell or barter, within this state, or shall take any obligation or promise in writing for a patent right, without complying with the requirements of this act, or shall refuse to exhibit the certificate as required hereby, shall be deemed guilty of an offense, and, on conviction thereof before any court of competent jurisdiction, shall pay a fine of not more than five hundred dollars, or be imprisoned in the jail of the proper county not more than six months, or both, at the discretion of the court, and shall, moreover, be liable to the party injured, in a civil action, for any damages sustained.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.



## AN ACT

Supplementary to an act entitled "an act to provide for the appointment of commissioners to examine claims growing out of the Morgan raid, and prescribing their duties," passed March 30, 1864. (O. S. L., vol. 61, p. 85.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state, auditor of state and comptroller of the treasury, be and are hereby appointed a board of commissioners to examine and report upon such claims as it was the duty of the board of commissioners appointed under the act to which this is supplementary to examine, and which, for any good reason, have not heretofore been presented to and examined by said board of commissioners.

Board of commissioners—its duties.

SEC. 2. Said commissioners shall, in their examination of such claims as are herein provided for in section one of this act, be governed by the requirements of the act to which this is supplementary, except as may be otherwise provided for in this act.

Rule of action.

SEC. 3. Said commissioners shall have such meetings in Columbus as they may deem necessary for the proper performance of their duties, due notice of which shall be given in at least two papers published in the state, and within the line of the Morgan raid; and claimants may appear in person or by attorney, under such regulations as the board may adopt.

Meetings of the board.

SEC. 4. For the necessary expenses of said board, including clerical services, there is hereby appropriated the sum of five hundred dollars, and the powers of the board shall cease on the first of January 1869.

Appropriation for expenses.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

To amend an act entitled "an act to protect fish and fisheries," passed March 19, 1857. (Vol. 54, page 34.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or persons to put in or keep up any stationary fish pound, fish seine or fish net, or to use (by) any means, plan or device whatever, excepting mill dams, to prevent the transit of fish in the waters of any bay, river or stream, or within the waters of any lake at a less distance from the mouth of such bay or river than sixty rods; provided, that nothing herein contained shall be construed to prevent persons from putting in any such pound, seine or net, for the purpose of catching fish in any bay at a place where the same is not less than two miles wide; provided, said pound, seine, or net,

Regulations for fishing in waters of this state.

shall not extend into said bay more than one hundred rods from the shore thereof; and provided, also, that nothing herein contained shall be construed to prevent the owners of lands or their lessees, on any river in the state, for purpose of catching fish within the time fixed by law, to run or use a swinging or drift seine, extending only to the center of the river opposite their respective lands, but no further.

Penalty for  
violation of  
act.

SEC. 2. That if any person or persons shall hereafter set, put in or keep up any fish pound, fish seine or fish net, or shall use any means, plan or device to prevent the transit of fish, contrary to the provisions of the first section of this act, every person so offending shall forfeit and pay a sum not less than ten dollars nor more than fifty dollars, with costs of suit, to be recovered by suit in the name of the state of Ohio, before any court of competent jurisdiction; and said sum, when collected, shall be paid into the treasury of the county where said wrongful act was committed, for the benefit of common schools.

Process  
against non-  
resident vio-  
lators of act.

SEC. 3. That if the owner of any such fish pound, fish seine or fish net, used contrary to the provisions of this act, shall be a non-resident of the county in which the same shall be set or put down, so that a service cannot be made upon him therein, any justice of the peace of said county, on complaint made under oath or affirmation of the facts, is hereby authorized and required to issue a writ requiring the constable to attach said fish pound, fish seine or fish net, and if the owner thereof shall fail, for thirty days after the same shall be attached, to come before such justice and enter his appearance to a suit in the name of the state of Ohio for the penalty provided for in the second section of this act, the justice shall issue his order to the constable commanding the sale thereof, which sale shall be conducted in all respects as sale upon execution; and the proceeds of such sale shall be applied, first, to the payment of the costs of the proceedings, and the surplus shall be paid into the county treasury for the benefit of common schools.

Obstructions  
may be re-  
moved.

SEC. 4. It shall be lawful for any person to take up, remove or clear away any obstruction (except mill dams) to the natural transit of fish placed in the waters of any lake, bay or river, in violation of the first section of this act, whether placed there for the purpose of catching fish or otherwise.

Act repealed.

SEC. 5. That an act to amend section one of an act passed May 13, 1861, and amendatory of the first section of the act for the protection of fish, passed April 17, 1857, (O. L., vol. 58, page 185), passed February 9, 1863, (O. L., vol. 60, p. 7), be and the same is hereby repealed.

SEC. 6. This act to take effect from and after its passage; and sections one, two and three of the act amended by this act, are hereby repealed.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

To amend section two of the "act to provide for the final payment and redemption of the public funded debt of the State of Ohio," passed March 26, 1860. (S. & C., vol. 2, page 1230.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follows:

Section 2. All or any portion of such certificates of the funded debt of the state as herein authorized and described, may be made and issued as a domestic debt, the principal and interest thereof to be payable at the treasury of state at the seat of government, or as a foreign debt, the principal and interest of which shall be payable at such place in the city of New York as the commissioners of the sinking fund shall determine; and the certificates so issued, whether as foreign or domestic debt, shall be issued and made transferable on the books of said commissioners at their office at the seat of government.

Domestic or  
foreign debt  
when paya-  
ble.

SEC. 2. Section two of the above recited act is hereby repealed; and this act shall take effect and be force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

To amend certain sections of the "act to define the powers and prescribe the duties of the board of commissioners of the sinking fund," passed April 12, 1858. (S. & C., 1, p. 235.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follows:

Section 2. The secretary shall keep a full and complete journal of all the proceedings, orders, requisitions and acts of the said board of commissioners of the sinking fund, together with a register of all the certificates of the public funded debt, and of all transfers of the same, and all other papers issued or made by the order of said board. And said board may appoint a clerk to assist the secretary, with a salary not to exceed twelve hundred dollars per year, to be paid out of the sinking fund quarterly, in equal amounts, on the first Monday in January, April, July and October in each year, on warrant of the auditor of state, drawn in manner and form prescribed by law.

Duties of  
secretary of  
fund com-  
missioners.

Clerk.

SEC. 2. That section three of the above recited act be so amended as to read as follows:

Section 3. The office heretofore provided for the use of the commissioners of the sinking fund in the state house, at

Office of com-  
missioners.

Vaults or safes.

the seat of government, shall be held in law to be the office of said board; and all the books, records, correspondence and other papers of every description belonging to the office of the commissioners of the sinking fund, shall be kept in said office, and at no other place; and it shall be the duty of the state house commissioners to provide and maintain in the most perfect manner, such fire proof vaults or safes as the commissioners of the sinking fund may require or deem necessary to the safety of the records, papers, books and vouchers that may be in their office at any time, or under their custody or control.

SEC. 3. That section eight of the above recited act be so amended as to read as follows:

Interest to be paid at some bank in New York.

Section 8. Previous to the first day of January and July of each year, the board of commissioners of the sinking fund shall select and notify some reliable banking house in New York city, as the place where the semi-annual interest of the foreign debt of the state will be paid; and they shall cause to be conveyed to said banking house, not more than ten days prior to said first day of January and July, a sufficient amount of money to pay said interest; and they shall cause to be given public notice, in at least one newspaper of general circulation in said city, for at least fifteen days prior and subsequent to said first days of January and July, and by such other means as they shall deem proper, where said interest will be paid; and if the interest on the whole of the foreign debt should not be demanded and paid before the expiration of said fifteen days subsequent to the first day of January and July as aforesaid, then the said commissioners shall order back to their office, at the seat of government, whatever sum may be remaining, and pay the same as required by law, into the state treasury to the credit of the sinking fund. And if the owner of any such stock, who has not received the said semi-annual interest, shall desire to obtain the same, the amount thereof shall be paid to him, his agent or attorney, at the office of the commissioners of the sinking fund, by the warrant of the auditor of state, drawn at the requisition of said commissioners in the manner hereinbefore provided and described. And in all cases the interest on the funded debt shall be paid only to the owner thereof, or to his or her legally authorized agent or attorney.

Interest not demanded in N. Y. to be paid at office of commissioners.

SEC. 4. That section twelve of the above recited act be so amended as to read as follows:

How accounts shall be kept, &c.

Section 12. The commissioners of the sinking fund are hereby required to keep in stock ledgers, known as general ledgers, separate accounts of every creation and issue of the foreign funded debt of the state, showing the date, rate of interest, time of redemption, and the law under which said stock was created and issued; and if practicable, the original order or act of the late board of commissioners of the canal fund upon which all such certificates of stock were so issued; the original amount of each of said stocks so issued; the amount of each redeemed or paid, and at all times the exact amount outstanding. And in addition to said general ledgers, said

commissioners shall keep transfer books, and also individual stock ledgers or books of inscription, in which accurate and particular accounts shall be kept with every public creditor holding a certificate or certificates of the foreign funded debt of the state, which account shall specify the amount, date, number, rate of interest, and the particular stock or portion of the public debt, as evidenced by such certificate held by each creditor and included in his or her account as aforesaid. And the aggregate of individual accounts must at all times exactly correspond with the aggregate general accounts of each and all such stocks in the general ledgers.

SEC. 5. That section sixteen of the above recited act be so amended as to read as follows :

Section 16. All transfers of the public debt of this state shall be made in the office of the board of commissioners of the sinking fund by the owner thereof, or by his or her attorney in fact for that purpose, and a power of attorney to make such transfer shall be sufficient, if simply and concisely written or printed on the certificate of said public debt, attested by one subscribing witness, and such power may be made to authorize the secretary of said board of commissioners, or any other person, to transfer the same as the attorney thereof; and whenever any transfer of any part of the public debt is made, the secretary of the board of commissioners shall immediately post the same to the accounts of the proper persons in the stock ledgers of said public debts, so that at all times the exact amount of the public debt shall appear upon said ledgers.

Transfers,  
where made,  
and how, &c.

SEC. 6. That section seventeen of the above recited act be so amended as to read as follows :

Section 17. The transfer books shall be closed for thirty days from and after the fifteenth day of June and December of each year, in order that pay rolls made [may] be made, showing the name, in alphabetical order, of each creditor of the foreign debt, and the amount of semi-annual interest that may be coming to him. Said pay rolls shall be made in duplicate in the office of the fund commissioners, and shall correspond exactly with each other and with the accounts of said public creditors in the stock ledgers. One of said duplicate pay rolls shall be sent to New York city to the banking house which shall have been selected and advertised as the place where said interest shall be paid, and the other of said pay rolls shall, for the time being, remain in the office of said fund commissioners; and no payment of interest on the funded debt of the state shall be made except to the owner thereof in person, or to his or her legally authorized agent or attorney, nor until such owner, or his or her said agent or attorney shall have signed one of said duplicate pay rolls, and all such signatures shall be fixed to one and the same pay roll; and said commissioners having caused the signatures so affixed to the pay roll in New York to be accurately transcribed upon the unsigned pay roll, shall file the one containing the original signatures in their own office, and the other in the office of the treasurer of state.

Transfer  
books to be  
closed—pay  
rolls to be  
made, &c.

SEC. 7. That section nineteen of the above recited act be so amended as to read as follows :

Expenses of  
advertising,  
&c.

Section 19. The expenses of advertising, of commissions, &c., involved in the payment of principal and interest of the public debt in New York as herein provided, shall be paid by the fund commissioners out of the sinking fund in manner prescribed by law, and a detailed statement of all such expenses shall be filed in their office and be reported in their reports to the governor and the general assembly.

Office of state  
agent abol-  
ished.

SEC. 8. The office of the state agent in the city of New York is hereby abolished, and it is hereby made the duty of the commissioners of the sinking fund to cause the books, vouchers and other papers in said office, to be forwarded to the seat of government and be filed in the office of said commissioners, and the certificates of foreign funded debt, which by law were made payable at the office of said state agent, shall be paid, principal and interest, at such place in the city of New York as the said commissioners shall determine.

Sections re-  
pealed.

SEC. 9. That sections two, three, eight, ten, eleven, twelve, fifteen, sixteen, seventeen, eighteen and nineteen, be and the same are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To amend section one of an act entitled "an act supplementary to an act entitled an act to provide a board of commissioners to examine certain military claims, and making an appropriation for their payment, passed April 11, 1865," passed April 6, 1866. (O. L., vol. 63, page 157.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above entitled act be so amended as to read as follows :

Board of mili-  
tary claims.

Section 1: That the secretary of state, auditor of state, and comptroller of the treasury, be and they are hereby constituted a board of commissioners to examine, adjust and allow such claims of the citizens of counties, towns, townships, agricultural societies or cities of Ohio, as, in the opinion of said commissioners, shall be just and proper, not otherwise provided for, growing out of military transactions, and of the following character, to wit :

Classes of  
claims to be  
adjusted.

*First*—Claims for pay of volunteers enlisted under the authority of the state or general government, for such time as they are not entitled to receive pay from the general government, although such volunteers may have been discharged without having been mustered into the service.

*Second*—Claims for recruiting service and the reasonable and legitimate expenses incident thereto, accruing under the authority of this state or the general government, where the contract or understanding at the time has been fully complied with on the part of the claimants and not on the part of the state or general government, through consolidation of regiments or otherwise; provided, that this section is meant to include and authorize the payment of commissioned and non-commissioned officers and enlisted men who recruited under conditional appointments from governor Tod, made in pursuance of an agreement with provost marshal general Fry, as shown by the circular letter of the latter to governor Tod, under date of September 23, 1863, when such officers and men shall have faithfully complied with the conditions of such appointments, such payment to be the pay proper of the grade to which they were appointed, according to the United States army regulations, from the date of their appointment to recruit to the date they commenced receiving pay in that grade from the United States, deducting therefrom the amount they may have received from the United States as enlisted men during the time; and provided further, that in auditing claims for expenses under this section, only those claims shall be entertained for which no provision has been made by the general government, or in which it is impossible to meet the requirements of the general government, through loss of papers, lapse of time, or otherwise.

*Third*—All claims of commissioned officers or regiments, battalions or companies, raised or authorized to be raised for the army of the United States for the time such officers were actually engaged, under appointments from the governor in organizing such regiments, batalions or companies, or doing duty in camps of rendezvous or instruction, before their muster into service of the United States; provided, that no officer who, after muster into the service of the United States, shall have been dishonorably discharged from such service, shall receive any compensation by virtue of this act.

*Fourth*—Claims for quartermasters' stores, clothing, blankets, shoes, caps, fuel, medicines and other goods furnished volunteers on orders from commissioned officers not lower in rank than colonel or other officer commanding a regiment, in command of such volunteers, or where an entire company has been furnished with clothing, uniforms and blankets at the instance of the captain thereof, to be paid for at the rates not exceeding government prices for like articles.

*Fifth*—Claims for necessary transportation, traveling expenses and subsistence of such volunteers, or of militia when called out for the purpose of protecting the state against invasion, threatened invasion or raid.

*Sixth*—Claims for labor, hospital services, teaming and printing, or for services as surgeon.

*Seventh*—Claims for supplies furnished to, labor done for, and grounds used for camps under contracts authorized by the governor or other proper officers, by the regiments of state militia organized under the acts of the general assembly of the state, passed April 26, and May 8 and 9, 1861.

Classification,  
continued.

*Eighth*—Claims for services rendered and transportation furnished under the draft of 1862, which were not rejected upon their merits by the governor and other officers who were authorized to audit and adjust such claims by the secretary of war.

*Ninth*—Claims for labor, hospital services, medical attendance, teaming and printing, and for medical or other supplies furnished for the use of camps of militia, held under authority of the laws of Ohio; all claims allowed under this clause to be paid out of the state military fund.

*Tenth*—Also claims for the use of grounds occupied under contract, made by authority of the governor or any military officer commanding a regiment of volunteers, and used for camps, and for damages thereto.

*Eleventh*—Claims for services rendered as members of regimental bands, acting as such by authority of commanding officers of regiments or otherwise, during the year 1861, and claims of commissioned officers as re-imbursement for payments made by them to members of such regimental bands.

SEC. 2. That said original section one is hereby repealed, and this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To provide for the sale of the property of corporations, and to repeal sections one and two of an act entitled "an act to amend the act entitled an act for the regulation of turnpike companies," passed February 8, 1826.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all bridges, turnpike roads, plankroads and ferries, under the control of any individual, individuals, corporations or corporators, and held as property or as a franchise, shall be liable to sale upon execution in the same manner as other property.

Bridges,  
roads, &c.,  
liable to sale  
on execution.

SEC. 2. All such property shall be levied upon, appraised and sold as real estate is appraised and sold; and the appraisement shall be made with reference to the value thereof, for the purposes for which it is or may be used, and shall include the value of the franchise therewith connected.

How appraised  
and sold.

SEC. 3. Whenever any such property shall be levied upon and not appraised, and when portions of such property are situated in two or more counties, upon application of the creditor, to the court in which the judgment was rendered, the court may order the same to be appraised, and appoint appraisers, and have the same sold entire or in such parcels

Discretion of  
court.



as the court may deem most advantageous to the debtor or debtors; provided, that in case no such application shall be made the sheriff shall proceed as in other cases.

SEC. 4. That the purchaser or purchasers of any bridge, turnpike road, plankroad, or ferry, upon the confirmation of the sale, shall be entitled to hold and exercise all the corporate franchises purchased at such sale, as fully as the same were held and exercised by the debtor or debtors before such sale, in any name assumed by the purchasers.

Purchaser to enjoy franchises, &c.

SEC. 5. That upon filing with the secretary of state a duly attested copy of the sale, confirmation and conveyance of any franchise as is herein provided for, such transfer shall be recorded in the same manner that original articles of corporation are now recorded; and thereupon said purchase shall vest absolutely in said purchasers in the same manner as franchises now vest in original corporators, upon the recording of the certificate of incorporation.

How purchases are made absolute.

SEC. 6. That sections one and two of an act entitled an act to amend the act entitled an act for the regulation of turnpike companies, passed February 8, 1826, be and the same are hereby repealed.

Sections repealed.

SEC. 7. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate*

Passed May 5, 1868.

#### AN ACT

To enable associations of persons to raise funds, to be loaned among their members, for building homesteads, and for other purposes, to become a body corporate, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons, not less than five, may associate together and become a corporation, as provided in the 63d, 64th and 65th sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, for the purpose of raising moneys to be loaned among the members of such corporation for use in buying lots or houses, or in building or repairing houses, or other purposes.

Associations for loaning money among the members.

SEC. 2. Such corporation shall be authorized and empowered to levy, assess and collect from its members such sums of money by rates of stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans, as the corporation by its by-laws shall adopt; also, to acquire, hold, encumber, and convey all such real estate and personal property as may be legitimately pledged to it on such loans, or may otherwise be trans-

Powers thereof.

Section re-  
pealed.

SEC. 2. That original section eight be and the same is hereby repealed; provided, that no rights acquired or liabilities incurred under said original section eight shall be affected by its repeal.

SEC. 3. This act to take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30th, 1868.

#### AN ACT

Amendatory and supplementary to the act to provide for the election of an additional judge of the court of common pleas in the third sub-division of the seventh judicial district, passed April 2d, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Special elec-  
tion for addi-  
tional judge.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the seventh judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the third sub-division of said district, composed of the counties of Athens, Washington, Gallia and Meigs, and be elected by the qualified voters of said counties, at a special election to be holden in said counties of Athens, Washington, Gallia and Meigs, on the first Monday in June, A. D. 1868.

Election—  
how con-  
ducted.

SEC. 2. That said election shall be conducted and the returns thereof made in the same manner as if said judge had been elected at the annual election of state and county officers; and thereupon the governor shall issue a commission to the person elected such judge.

Term of  
office, salary,  
etc.

SEC. 3. The term of office of said judge shall commence on the first Monday of July, A. D. 1868, and shall continue for the full term of five years thereafter; and when elected and qualified shall receive the same salary, and shall have in all respects the same powers, and discharge the same duties, as are conferred and enjoined by the constitution and laws of the state of Ohio upon other judges of said court; and any vacancy that may occur in the office of such additional judge during said term shall be filled as in other cases.

Duty of  
sheriffs.

SEC. 4. That it shall be the duty of the sheriff in each county in said sub-division, at least fifteen days prior to said first Monday of June, 1868, and at least fifteen days prior to the first Monday of June, hereafter, in each year, when the election of such additional judge is to be held, to give notice by proclamation of the time and place of holding such election.

SEC. 5. The act to which this is supplemental and amendatory shall be in force and take effect from and after the passage of this act.

SEC. 6. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

#### AN ACT

To regulate meetings of councils in cities of the first class, having a population exceeding one hundred thousand inhabitants, and to repeal section two of an act passed April 4, 1862, entitled "An act relating to cities of the first class, having a population exceeding eighty thousand inhabitants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first class, having a population exceeding one hundred thousand inhabitants, shall not be required to hold more than one meeting in each week; and the meetings of such city councils may be held at such times as may be by ordinance prescribed. The members of the council, or trustees of the wards, shall receive no compensation for their services.

Councils required to hold but one meeting per week.

SEC. 2. That section 2 of the act of April 4, 1862, entitled "an act to regulate the meetings of councils in cities of the first class, exceeding one hundred thousand inhabitants, and to repeal sections 1, 12, 14 and 17 of an act passed March 3, 1860, entitled 'an act relating to cities of the first class, having a population exceeding one hundred thousand inhabitants,'" be and the same is hereby repealed.

Sections repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To regulate the sale of patent rights in the State of Ohio, and prevent frauds connected therewith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act, it shall be unlawful for any person to sell or barter, or offer to sell or barter, in any county within the state, any patent right, or any right claimed by such person to be a patent right, without first making the affidavit and proof hereinafter provided for.

Affidavit required.

Must not be recorded without evidence of such transfer.

SEC. 2. It shall be unlawful for any recorder to record any lease, deed or other conveyance of lots of lands belonging to any university keeping books as aforesaid, unless the same has the evidence in writing thereon, that the same has been transferred on the books of such university; and it shall be the duty of such recorder, before recording any such lease, deed or other conveyance, to require said transfer to be made on said university books.

Penalty for recording in violation of this act.

SEC. 3. Any recorder violating the provisions of this act, shall forfeit for each offense a sum not exceeding twenty dollars, which penalty may be recovered before any justice of the peace or mayor of the county seat of the county where such offense shall have been committed, for the use of the county.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To provide for struck juries, and to secure fairness and impartiality in their selection. (1 S. & C. 758.)

Struck juries  
—how raised

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a struck jury shall be deemed necessary for the trial of an issue of fact in any cause pending in the court of common pleas or any superior court, it shall be lawful for either party to file with the clerk of the court a precept for such jury; and upon that being done, it shall be the duty of such clerk to proceed to the office of the probate judge, and there take to his assistance the probate judge and county auditor in the selection of the list of names for such jury. And thereupon it shall be the duty of the clerk, probate judge and county auditor to select from the qualified electors of the county the names of forty persons impartial between the parties, and who, from their intelligence and sound judgment, are believed to be well qualified to try such case; and the probate judge shall take, and preserve in his office, a list of the names of the persons so selected; and it shall be the duty of the clerk of the court without delay to give four days' notice to both parties, or their attorneys of record, of the time of striking such jury, furnishing to each party, or his attorney of record, at the same time, with such notice, a list of the names of the forty persons so selected for said jury. And at the time designated, the clerk shall attend at his office for the purpose of striking said jury, when the party requiring such jury, his agent or attorney, shall first strike off one of the names

from the list, and the opposite party, his agent or attorney, another, and so on alternately until each shall have struck off twelve. And if either party shall not attend in person or by attorney, or attending shall refuse to strike, it shall be the duty of the clerk to strike for the party not attending, or attending but refusing to strike. And when twelve names shall have been stricken off by or for each party as aforesaid, the clerk shall make a fair copy of the names of the remaining sixteen persons, and certify the same under his hand to be the list of jurors struck for the trial of such cause, and the said list shall be delivered to the sheriff or other officer, together with the venire facias, and such sheriff or other officer shall thereupon annex the names therein contained to such venire, and summon the persons named according to the command of such writ. And upon the trial of the cause, the jury so struck shall be called as they stand upon the panel, which order must be the same as they stood on the list at the time of striking the jury, and the first twelve of those who shall appear, and are not challenged for cause or set aside by the court, shall be the jury, and shall be sworn to try said issue. But if a jury of twelve shall not be made from the sixteen jurors so selected, the sheriff shall, under the direction of the court, fill up the panel from the bystanders or persons near at hand, or on motion of either party the court shall select the persons to fill the panel, and issue a venire for them.

Duties of clerk and sheriff.

Panel—how filled.

SEC. 2. If either the clerk of the court, or the probate judge or the county auditor, shall be interested in the cause, or related to either of the parties, or do not stand indifferent between them, then, in every such case, either one of the judges entitled to hold said court may, in term time or in vacation, appoint some judicious and disinterested individual to take the place of such officer so disqualified in striking the jury, and to do and perform all things required to be done by such officer when acting in relation to the striking of such jury; but in no case shall it be necessary to strike such jury more than six days previous to the sitting of the court at which the case is to be tried, and three days service of the venire shall be held to be sufficient.

Procedure when clerk or judge is interested.

SEC. 3. That the party requiring such struck jury shall pay the fees for striking the same, and one dollar per day for each juror so attending, and shall not have any allowance therefor in the taxation of costs, unless the court shall be of opinion that the cause required such special jury, in which last case the extraordinary expense shall be taxed in the bill of costs.

Party requiring struck jury, to pay cost.

SEC. 4. That a jury struck for the trial of any issue at a particular term of the court, may be continued with the continuance of the cause, and be summoned in as jurors at a subsequent term, unless the court shall otherwise order, upon good cause shown.

Struck jury may be continued with cause.

SEC. 5. That the provisions of this act shall not extend to any indictment for any offense where the party is entitled to challenge peremptorily, or without cause shown, more than two jurors.

Provisions of this act limited.

Act repealed.

SEC. 6. That the act entitled "an act to provide for struck juries in the district courts and courts of common pleas in Ohio," passed March 12, 1853, be and the same is hereby repealed.

SEC. 7. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

Concerning suspended railroads.

Suspended  
road may be  
transferred,  
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any incorporated railroad company, owning in whole or in part any road-bed and right of way for a railroad within the state, which shall, from lack of means or other cause, be unable to complete the construction of its proposed line of railroad thereon, may sell, assign and transfer the same, or any part thereof, to any other railroad company, incorporated under the laws of this state, with authority to construct and operate a railroad over the same, or any part of the same route; which transfer shall include all work done upon such line of road, together with all material furnished therefor, not exempted by the terms of the grant, with all rights, privileges and easement, as fully as the same are or may be possessed by the company making the same; and shall, to the same extent, vest the title of and the right to enjoy the same in such grantee.

Deed of  
transfer.

SEC. 2. Every such transfer shall be by deed duly executed by the president of the board of directors of the company grantor, in the manner provided by law for the conveyance of real estate, and shall be for such consideration as the parties may agree upon.

Action of  
stockholders.

SEC. 3. Before any such transfer shall be made, it shall be the duty of the president of the board of directors to call a meeting of the stockholders of such company, at some convenient point on the line or at the terminus of the road, of which he shall cause at least thirty days notice to be published in some newspaper printed or in general circulation in each county in which such road-bed and right of way is situated; which meeting, when convened, may, by a concurrent vote of two-thirds in interest of the stock represented thereat, by the owner thereof or by proxy, declare by resolution the inability of such company to complete its line of road, prescribe the terms of the proposed transfer of its road-bed and right of way, and direct the president of its board of directors to execute the same; all of which proceedings, resolutions and directions shall be duly recorded in the proper

record book of such company and delivered to the grantee of such right of way, and they shall also be recited in the deed of transfer.

SEC. 4. No such transfer shall be made against the dissent of any stockholder, expressly declared and filed in writing at such meeting, without the guaranty of such company grantee that it will cause to be issued to such dissenting stockholder, certificates of its capital stock in amount equal to his pro rata interest as a stockholder of the grantor, in the amount for which the property is sold.

Dissenting  
stockholders.

SEC. 5. The title of the property so transferred, together with the right to use, occupy and enjoy the same, for any and all purposes proper for the construction, maintenance and operation of a railroad thereon, shall pass to and vest in such company grantee, by the execution of any such deed of transfer, the same and to the same extent as such granting company might or could use, occupy and enjoy the same.

Title of prop-  
erty transfer-  
red.

SEC. 6. Every such right of way or part thereof, which shall have been owned by any such company for the period of ten years prior to the passage of this act, shall be forfeited and revert to the owner of the fee of the land covered by the easement and right of way, unless, within two years from this date, the same shall have at least ten miles of additional railroad completed and in operation thereon, or be transferred in good faith with a view to the completion of a railroad thereon as above provided.

When right  
of way shall  
be forfeited,  
&c.

SEC. 7. This act shall take effect upon its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To amend the act relating to the civil jurisdiction of justices of the peace in reference to the replevin of property, and to repeal sections one hundred and forty-three, one hundred and forty-seven and one hundred and forty-eight of said act, as amended April 17, 1867. (Swan & Critchfield, vol. 1, page 795, and Laws of Ohio, vol. 64, page 258.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and forty-three of the above recited act, as amended April 17, 1867, be so amended as to read as follows:

Section 143. The constable shall deliver to the plaintiff, his agent or attorney, the property so taken, except in the cases hereinafter provided, when there has been executed by one or more sufficient sureties of the plaintiff, a written undertaking to the defendant in at least double the value of the property taken, but in no case less than fifty dollars, to the effect that the plaintiff shall duly prosecute the action and pay all costs and damages which may be awarded against

When prop-  
erty shall be  
delivered.

Heir-looms,  
keepsakes,  
&c.

him. In all cases where the property replevied consists of heir-looms, personal keepsakes or other article of property, the value of which consists, in whole or in part, in its being a relic, model, gift, family picture, painting, or rare production of art or nature, and not wholly in its general marketable character, the constable shall retain and safely keep the same, subject to the order of the court; provided the defendant, his agent or attorney, shall, on or before the time named in the summons for trial, file his motion in writing with the justice of the peace (which said motion shall be heard and determined before the trial, or before the said justice shall certify the proceedings to the court of common pleas, as provided in section one hundred and forty-five of said act), for an order requiring the constable to retain said property, subject to the final order of the court; provided, further, that in case the defendant does not file said motion, or the court, upon application of either party, refuses to order the constable to retain said property, for the reason that it does not belong to one or more of the kinds of personal property aforesaid, the constable shall deliver said property to the plaintiff, his agent or attorney, upon the execution of an undertaking as hereinbefore provided, within one day after the expiration of the time for filing said motion, or in case said motion is filed within one day after the refusal of the justice to order the constable to retain the property as aforesaid; and, provided further, in case the appraised value of the property exceeds three hundred dollars, or in case an appeal is taken from the final judgment and order of the justice of the peace, the said justice shall order the constable to turn over the property in his possession to the sheriff of his county, to be by said sheriff held as in like cases originating in the court of common pleas.

SEC. 2. That section one hundred and forty-seven of said act, as amended April 17, 1867, be so amended as to read as follows:

Trial of right  
of property.

Section 147. In all cases where judgment is rendered against the plaintiff, or if he otherwise fail to prosecute his action to final judgment, the justice shall, on application of the defendant or his attorney, impanel a jury to inquire into the right of property, and right of possession of the defendant to the property taken. If the jury shall be satisfied the said property was the property of the defendant at the commencement of the action, or if they find that the defendant was entitled to the possession only of the same at such time, then, and in either case, they shall assess such damages for the defendant as are right and proper, for which, with costs of suit, the justice shall render judgment for the defendant, and the justice shall also order any property in the possession of the constable to be delivered to the defendant.

SEC. 3. That section one hundred and forty-eight of said act, as amended April 17, 1867, be so amended as to read as follows:

Finding of  
jury, costs,  
&c.

Section 148. In all cases where the property has been delivered to the plaintiff, when the jury shall find for the defendant, they shall also find whether the defendant had



the right of property, or the right of possession only, at the commencement of the suit; and if they find either in his favor, they shall assess such damages as they think right and proper for the defendant, for which, with costs of suit, the court shall render judgment for the defendant. In all cases where property remains in the hands of the constable, as hereinbefore provided, the jury shall find which party had the right of property and right of possession, or right of possession only at the commencement of the suit; and if they find either in favor of the plaintiff or defendant, they shall assess such damages as they think right and proper for the prevailing party, for which, with costs of suit, the court shall render judgment, and also order the constable to deliver such property to the party in whose favor judgment is rendered.

Right of possession.

SEC. 4. That sections one hundred and forty-three, one hundred and forty-seven, and one hundred and forty-eight of said act, as amended April 17, 1867, be and the same are hereby repealed.

Sections repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

Supplementary to the "act to provide for the organization of cities and incorporated villages," passed May 3, 1852. (S. & C. 1493.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the first class having a population less than one hundred thousand inhabitants, for the purpose of paying for lands which have been or may hereafter be purchased or appropriated by such city for school house sites or grounds, and for the purposes of erecting suitable school buildings thereon, shall have the power to borrow money in any sum not exceeding two hundred thousand dollars, at such rate of interest as the city council thereof may deem proper, not exceeding six per cent. per annum, payable semi-annually; and for the purpose of effecting such loan, the city council of such city shall have the power to pledge the faith of such city for the payment of both principal and interest, including the power to levy a tax for the payment of the same whenever due, and to make and execute such bonds or other evidences of debt, and payable at such times and places as shall be agreed upon by the parties contracting, which said

Cities may borrow money to pay for lands taken for school purposes.

—and levy a tax, &c.

bonds or other evidences of debt may be made transferable and redeemable in such form and at such times and places as may therein be designated or prescribed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To protect the citizens of Ohio from empiricism, and elevate the standing of the medical profession.

Who may not  
practice med-  
icine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person within the limits of said state, who has not attended two full courses of instruction and graduated at some school of medicine, either of the United States or some foreign country, or who cannot produce a certificate of qualification from some state or county medical society, and is not a person of good moral character, to practice medicine in any of its departments for reward or compensation, or attempt to practice medicine, or prescribe medicine or medicines, for reward or compensation, for any sick person within the said state of Ohio; provided, that in all cases when any person has been continuously engaged in the practice of medicine for a period of ten years or more, he shall be considered to have complied with the provisions of this act, and that where persons have been in continuous practice of medicine for five years or more, they shall be allowed two years in which to comply with such provisions.

Proviso.

Penalty for  
violation.

SEC. 2. Any person living in the state of Ohio, or any person coming into said state, who shall practice medicine, or attempt to practice medicine in any of its departments, or perform or attempt to perform any surgical operation upon any person within the limits of said state, in violation of section one of this act, shall, upon conviction thereof, be fined not less than fifty nor more than one hundred dollars for such offense, and upon conviction for a second violation of this act, shall, in addition to the above fine, be imprisoned in the county jail of the county in which said offense shall have been committed, for the term of thirty days, and in no case wherein this act shall have been violated, shall any person so violating receive a compensation for services rendered; provided, that nothing herein contained shall in any way be construed to apply to any person practicing dentistry.

Dentists ex-  
cepted.

SEC. 3. This act shall take effect and be in force on and after the 1st day of October, 1868.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To amend section 21 of an "act to provide for the organization of cities and incorporated villages," passed May 3, 1852. (S. & C., vol. 2, p. 1493.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-one of the above recited act be so amended as to read as follows:

Section 21. They shall have power to provide for the regular building of houses, to make regulations for the purpose of guarding against fires, and the damages and accidents resulting therefrom, and on petition of the owners of not less than two-thirds of the ground included in any square to prohibit the erection in any such square, of any building or of any addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar or of iron or stone and mortar, and provide for the removal of any buildings or additions erected contrary to such prohibition; and in order to more effectually accomplish the purpose of this section, said municipal corporations shall have power, by ordinance, to invest the fire engineer, or any other officer, whose election or appointment is now provided for by law, with power and duty to be present at all fires, investigate the causes thereof, examine witnesses and papers, compel the appearance or production of the same, and such officer, while so acting, shall have power to administer oaths, make arrests, enter any building for the purpose of examination, which, in his opinion, is in danger of fire, and to do and perform such other acts, necessary to the effective discharge of his duties, and receive such compensation for such services as said municipal corporation shall by ordinance prescribe, and a report of all his proceedings shall be made to the common council, at such times as may be by ordinance prescribed.

Specific powers of cities, &c.

Investigation of cause of fires, &c.

SEC. 2. Said original section 21 of the above recited act is hereby repealed, and this act shall be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

Supplementary to an act entitled "an act to provide for the erection of a hospital in cities of the first class having a population of over one hundred thousand inhabitants, passed April 6, 1866.

Bonds to  
raise money  
to complete  
hospitals,  
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the first class having a population of over one hundred thousand inhabitants, which shall have commenced to erect a hospital under the terms of the act to which this is supplementary, is hereby empowered to issue bonds of such city to an amount not to exceed two hundred and fifty thousand dollars for the purpose of completing and furnishing the said hospital; such bonds shall bear such date as may be thought best by the city council of the said city, not, however, previous to the actual date of their issue, and shall otherwise be issued in the same manner, and on the same terms and conditions as are prescribed for the bonds authorized in the act to which this is supplementary, and the amendments thereto.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

To amend section twenty-two of the act entitled "an act to provide for the organization, supervision and maintenance of common schools," passed March 14, 1853, (S. & C., 1353,) and to repeal the act entitled "an act to amend section twenty-second of the act relating to common schools, passed April 4, 1866," passed April 1, 1867. (Vol. 64 O. L., 89.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-two of the act entitled "an act to provide for the organization, supervision and maintenance of common schools," passed March 14, 1853, as amended by the act passed April 1, 1867, be amended so as to read as follows:

Estimate for  
school pur-  
poses—duty  
of board of  
education.

Section 22. It shall be the duty of the board of education of any organized township of the state annually to determine by estimate as near as practicable the entire amount of money necessary to be expended in the township for school and school house purposes, including the sustaining of teachers in central or high schools, the prolonging of the terms of the several sub-district or primary schools after the state funds have been exhausted, the erecting, repairing, or furnishing of school houses, and any other school purposes, not exceeding five mills, as follows: not exceeding two mills on the dollar of the taxable property of the township for school house purposes, including erecting, enlarging and repairing of school houses, and purchase of sites, and not exceeding three mills on the dollar of the taxable property of the township for all

other of the purposes aforesaid; and if any board of education shall in any one year fail or refuse to estimate and certify a levy or levies sufficient to provide for six months tuition in their district, or to provide a suitable school house in each sub-district, it shall be the duty of the county commissioners of the county within which such district is located, upon being advised and satisfied thereof, to estimate and cause said levies to be made and entered upon the tax duplicate the same as could have been done upon the estimate and certificate of such board: provided, that if, in the opinion of the township board of education, a greater tax than the aforesaid two mills shall be necessary during any year, for the purpose of purchasing sites or erecting school houses, or for both purposes, the board shall call a special meeting of the qualified voters of the school district over which they have jurisdiction, which meeting shall be called and held in the manner prescribed in the preceding section, and shall decide by vote the question whether such greater tax or any other greater tax for said purposes than the aforesaid two mills on the dollar shall be raised; and provided further, that whenever in the opinion of such board it shall be necessary to authorize a greater tax than the aforesaid two mills to be levied upon the property of any sub-school district in such township for the purpose of purchasing a site and erecting a school house, or for either, such board of education may authorize the local directors of such sub-school district to call a special meeting of the qualified voters thereof in the manner prescribed in the preceding section, to decide by a vote whether such greater tax for said purposes, or either, shall be raised, and the amount so authorized to be raised by such special meeting shall be reported by said local directors to the board of education of such township; and the sum so decided upon by vote, which shall be in excess of the general levy upon the township for such purposes, shall be returned to the county auditor by such board, and by the auditor levied upon said sub-district in addition to the general township levy. These several amounts of money so estimated or decided upon, the board shall make known by certificate, in writing, on or before the first Monday in June in such year, including any tax which may have been voted by a special meeting of electors as provided in the preceding section, to the auditor of the proper county, who shall thereupon assess the entire amount of such estimates, except the extra amount to be levied, as aforesaid, on any sub-district voting the same on all taxable property of the township not included in any city or incorporated village or territory annexed thereto forming any special district, to be entered by said auditor on the tax duplicate of the county and collected by the county treasurer at the same time and in the same manner as state and county taxes are collected, and when collected shall be paid over to the treasurer of the proper township on the order of the county auditor; and said county treasurer shall be entitled to receive for collections one per centum on all moneys by him collected for school purposes, and no more; provided, that boards of education in cities, towns, incorporated villages and special and

Duty of county commissioners.

When meeting of voters shall be called.

Board to report amounts to county auditor.

Duty of auditor.

Allowance to county treasurer.

Proviso as to cities, villages, etc.

separate school districts organized under any law of this state, shall have power to levy taxes for school and school house purposes, and to pay debts that may have accrued or been contracted by such boards of education for either of said purposes of seven mills on the dollar per annum, and when in the opinion of such board of education a greater tax for said purposes than said seven mills may be necessary, said board shall call a special meeting of the qualified voters of the school district over which such board shall have jurisdiction to decide the question whether a greater tax shall be levied for said purposes than said seven mills, in the same manner as is herein directed in relation to meetings called by boards of education of townships.

Act repealed.

SEC. 2. That the act entitled "an act to amend section twenty-second of the act relating to common schools," passed April 4, 1866, passed April 1, 1867, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

Supplementary to an act entitled "an act to provide for the re-organization, supervision and maintenance of common schools," passed March 14, 1853.

Disposition  
of fund pro-  
vided by gift,  
devise, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a fund has been or shall be provided by gift, devise or bequest for the establishment or support of a school or schools for poor children in any township, incorporated village, town or city within this state, it shall be lawful for the board of education of any such township, incorporated village, town or city, to contract with the trustee or trustees having the management of such fund for the admission to any such school of children resident in such township, incorporated village, town or city, and to pay out of the school fund under the control of such board of education to such trustee or trustees such tuition fee as may be agreed upon for each scholar so admitted to such school not entitled to such admission, according to the terms of the gift, devise or bequest as aforesaid; and also by such contract provide for such right of visitation or control of such school or schools by such board of education as may be agreed upon; provided, that such school or schools shall be kept at the least equal in grade and efficiency to the corresponding public schools of the state; and provided, also, that every such contract shall expire in three years from the time of its execution unless renewed or extended by agreement.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To provide for the organization, regulation and more efficient government of the police in cities of the first class which have been advanced to that grade between decennial periods.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That cities of the first class which have been advanced to that grade between decennial periods, be and they are hereby divided into the same number of police districts as there are wards in such cities. Such police districts shall be bounded as the wards of such city are bounded and numbered as said wards are numbered, the first ward constituting the first police district of such city, the second ward constituting the second police district, and so on, each of such wards constituting a police district of such city.

Districts for  
 police purposes in certain cities.

SEC. 2. All powers and duties connected with and incident to the appointment, regulation and government of a police force, or connected with and incident to the police power and government of such city, shall, in all cities of the class named in section one of this act, be vested in a police board, to be elected in the manner hereinafter specified.

Police board  
 —its powers  
 and duties.

SEC. 3. On the second Tuesday of May, 1868, the qualified electors of each of said police districts shall, by a plurality of votes, elect one member of the police board, who shall be a resident of and have the qualifications of an elector in the police district for which he is elected.

Election of  
 police board.

SEC. 4. The term of office of members of the police board shall be two years and until their successors shall be elected and qualified; provided, however, that of the number elected at the first election to be held under the provisions of this act, the members of said board who are elected from police districts with even numbers, shall hold said office two years, and the members who are elected from police districts with odd numbers shall hold their office one year; and thereafter elections of members of the police board shall be held in such police district at the regular annual city election, according as the term of office of the member of the police board from that district shall expire. The city council shall have power to fill any vacancy that may occur in the police board by appointing a member thereof who shall hold office until the next regular city election, when a member shall be elected from the proper police district to fill such vacancy for the unexpired term; provided, that the city council shall appoint no person as a member of said police board who is

Term of office  
 of members of  
 police board.

Vacancies  
 —how filled.

not a resident of and elector in the police district for which he is appointed.

Mayor to be  
president,  
ex-officio.

SEC. 5. The members of the police board so elected and the mayor of such city (who shall be *ex-officio* a member) shall constitute the police board of such city. The mayor shall, when present, act as president of such board, and a majority of the members shall constitute a quorum for the transaction of business; before entering upon the duties of said office each member shall take and subscribe to an oath or affirmation faithfully and honestly to perform its duties.

Officers of  
police board.  
Salaries, etc.

SEC. 6. Said police board shall have power to appoint one captain of police, who shall also be acting superintendent, whose salary shall be fixed by the police board, but shall not exceed twelve hundred dollars per annum; one sergeant of police for every ten patrolmen, whose salary shall not exceed nine hundred dollars per annum, and shall be fixed by the police board; and such number of patrolmen as the police board may think expedient, but not exceeding one patrolman for each fifteen hundred inhabitants in such city; the salary of the patrolmen shall be fixed by the police board, but shall not exceed eight hundred dollars per annum. The police board may also appoint detectives or secret police, not exceeding three in number, whose salaries shall be fixed by the police board, but shall not exceed nine hundred dollars per annum. The police board may also appoint a secretary, and define his duties. The secretary of the police board shall hold his office during the pleasure of the board, and shall receive such compensation as the board may determine, not exceeding nine hundred dollars per annum. The members of the police board shall receive no compensation for their services. All salaries of the members of the police department shall be paid monthly. The police board may, in case of emergency, appoint special patrolmen, but shall report to the city council at its next meeting the names and number of such special patrolmen, the occasion of their appointment as such and the length of time for which such appointments are made; unless the city council shall approve of such appointment the same shall cease and terminate, and no payment shall be paid to any person for services as special patrolman until the same shall be approved by the city council.

Powers of  
police board.

SEC. 7. The police board shall assume, have and exercise the entire control of the police force of said city, and shall make, publish and enforce rules and regulations for the government of such police force. It shall also have the custody and control of all public property, books, records and equipments belonging to the police department. It shall have power at any time, for good cause shown, to suspend or remove any officer or member of the police force, or it may, at any time, by a vote of two-thirds of the members of the board, suspend or remove any officer or member of the police force without assigning any reason for such suspension or removal. Whenever it shall appear to the satisfaction of the board that any member or officer of the police force has received

Removals.



corruptly from any person any sum of money, gift, fee or reward, or has used his office for purposes of extortion or oppression, it shall be the duty of the board to at once dismiss the person so offending from the police force. The salary of any officer or member of the police force shall cease from the time of his suspension or dismissal.

SEC. 8. Any member of the police board, or any officer or member of the police force, who shall hold or accept any office which is elective by the people, shall be deemed thereby to have resigned his office of member of the police board, or as member of the police force, and such vacancy so created shall be filled in the manner provided by law. The city council shall have power to remove from office any member of the police board, three-fourths of such council concurring therein, but no member of said police board shall be removed from office, except upon charges made in writing, and after opportunity given to be heard in his defense.

Ineligibility  
to other  
offices.

Removal  
from office.

SEC. 9. It shall be the duty of the police board to prepare and submit to the city council, on or before the first day of May in each year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city within the current fiscal year, which estimate shall be in detail, and shall be laid (by the city auditor) before the city council, and the same shall be, by the city council of said city or cities, provided for in the general tax assessment, by levy to be laid on property in said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the "Police Fund," and shall be drawn out therefrom for police purposes of said city, on the order of the police board, as may be necessary to pay the expenses of the police department.

Further  
duties of  
board.

SEC. 10. No expenses, other than salaries and pay herein provided, shall be incurred by the police board, except for rents, record books, stationery, printing, telegraphing, badges, clubs and furniture of necessary rooms and stations, advertising, fuel and lights, and food for prisoners, unless the same shall be expressly authorized and provisions therefor made, as a city charge, by the city council of the cities within which the expenditures became necessary. The books and accounts kept by said board shall at all times be subject to the inspection of the city council, and the city council may, at any time, require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

Expenses  
limited.

SEC. 11. The acting superintendent of police shall make to the secretary of the board daily reports of such facts as may come to his knowledge from the patrolmen, and the secretary shall make to the board monthly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The boards of police shall, on or before the first Monday in March in each year, report in writing the condition of the police within said cities to the city council.

Daily,  
monthly and  
annual  
reports.

Metropolitan  
police super-  
seded.

SEC. 12. From and after the passage of this act, the powers and duties of the metropolitan police commissioners shall cease and terminate in cities of the first class advanced to that grade between decennial periods. The city council of cities of that class shall, on and after the passage of this act, assume and exercise such of the powers and duties herein granted and imposed as may be necessary for the government and regulation of the police force of such city; such city council to continue to exercise the powers thus granted until the election and qualification of the police board provided for in this act, and no longer.

Limitation  
of a certain  
act.

SEC. 13. The provisions of an act entitled "an act to authorize the appointment of metropolitan police commissioners in cities of the first class with a population of less than one hundred thousand inhabitants at the last federal census," passed April 5th, 1866, (vol. 63, O. L., p. 104), and of an act supplementary thereto, passed March 29th, 1867, (vol. 64, O. L., p. 80), shall not apply to cities of the first class which have been advanced to that grade between decennial periods, and the said acts of April 5th, 1866, and of March 29th, 1867, in so far as the same apply to cities of the first class advanced to that grade between decennial periods, be and the same are hereby repealed, together with all statutes, parts of statutes, and provisions of law inconsistent with the provisions of this act.

Same.

SEC. 14. The provisions of an act entitled an act to amend "an act authorizing the appointment of metropolitan police commissioners in cities of the first class with a population of less than one hundred thousand at the last federal census," passed April 5, 1866, (O. L., vol. 63, p. 104), passed April 2, 1868, shall not apply to cities of the first class which have been advanced to that grade between decennial periods.

SEC. 15. This act shall take effect from an after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To repeal an act passed April 16, 1867, entitled "an act supplementary to an act entitled 'an act to provide for compensation to the owners of private property appropriated to the use of corporations,'" passed April 30, 1852. (Ohio Laws, vol. 64, page 239.)

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act passed April 16, 1867, entitled "an act supplementary to an act entitled 'an act to provide for compensation to the owners of private property appropri-

ated to the use of corporations,' " passed April 30, 1852, be and the same is hereby repealed.

SEC. 2. This act shall be in force and take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To provide for locating, establishing and constructing ditches, drains, and water-courses in townships, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any township in this state shall have power, whenever in their opinion the same is demanded by, or will be conducive to the public health, convenience or welfare, to cause to be established, located and constructed, as hereinafter provided, any ditch, drain or water-course within such township.

Power of township trustees in relation to ditches, &c.

SEC. 2. That before the township trustees of any such township shall take any steps towards locating or establishing any ditch, drain or water course, there shall be filed with the township clerk a petition from one or more persons owning lands adjacent to the line of any such proposed ditch, drain or water-course, setting forth the necessity of the same, with a substantial description of its proposed starting point, route and terminus, and shall at the same time file a bond, with good and sufficient sureties, to the acceptance of said township clerk, conditioned to pay all expenses incurred in case the trustees shall refuse to grant the prayer of the petition. And thereupon the township clerk shall give notice to the township trustees of the filing and pendency of said petition, and said trustees shall immediately determine and designate a time and place when and where they will meet to hear said petition and determine their proceedings thereunder. And thereupon the petitioner or one of the petitioners shall cause notice in writing to be given to the owner or one of the owners of each tract of land sought to be affected by said proceeding, of the filing and pendency of said petition, said notice to state substantially the prayer of said petition, the time and place when and where the same will be for hearing by the township trustees, but nothing in this section shall be taken to prevent the petitioner from giving printed notices if he so desires. If any person owning lands sought to be affected by said proceedings be a non-resident of the county, a notice such as is contemplated by this section, shall be given him by publication for two consecutive weeks in some newspaper published or of general circulation in said county. The death of any party or parties in interest shall not work an abatement of proceedings under this

Petition and bond must be filed.

Notice to be given.

Non-resident owners of lands.

Death of party interested.

Proviso.

act, but the trustees being notified shall order such notice as is contemplated in this section to be given to the person or persons succeeding to the right of such deceased party or parties; provided further, that any ditch may be located and established through a portion of any two townships within the same county, or where the benefits or damages shall attach to lands situate in the same, the trustees of said townships shall constitute a joint board for such proceedings, and in such case the petition shall be filed with and the record be kept by the clerk of the township through which the greatest portion of such ditch may run, and in all other respects such joint board shall have the same powers and authority that the township trustees have under this act.

Compensation for damages.

SEC. 3. That any person or persons claiming compensation for lands appropriated for the purpose of constructing any ditch, drain or water-course, under the provisions of this act, shall make his, her or their application in writing therefor to the clerk of such township on or before the day appointed for the hearing of said petition, which application shall be laid by said clerk before the trustees; or in case the trustees should establish the ditch or a portion thereof on a line different from that specifically described in the petition, in so much that the same shall pass through tracts of land not described or contemplated by the petition, then and in such case the owner of such land may make his application in writing for compensation at any time before the order of the trustees establishing and locating such ditch is entered upon the township record; and on failure to make such application in either of said cases, such owner or owners shall be deemed and held to have waived his, her or their right to such compensation.

Proceedings of trustees.

SEC. 4. That on the day set for the hearing of said petition, if it appear to the trustees that any person or persons who may be interested in said ditch have not been notified as required by this act, or that any requisite preliminary steps have not been taken, they shall adjourn to some future time, not exceeding twenty days, and order such notice to be given or such preliminary steps to be taken, and a majority of said trustees shall be competent to perform any of the requirements of this act. But if said trustees shall find that said bond has been filed and said notice been given, they shall proceed to hear and determine said petition, and if they deem it necessary, shall view the premises along said proposed route; and if they find such ditch, drain or water-course to be necessary, and that the same is demanded by, or will be conducive to the public health, convenience and welfare, shall proceed to locate and establish such ditch, drain or water-course, in substantial conformity, with the route described in the petition, and they shall at the same time examine into and determine all applications made to them for compensation, as provided for in the third section of this act, and shall specify the several amounts, by whom and to whom to be paid, and the time of payment. Said trustees in hearing and determining said petition, may call to their

assistance an engineer to locate, level and measure the course of such ditch, drain or water-course, and may adjourn from time to time to determine their proceedings herein; and the said township clerk shall make a full and complete record of all such proceedings in the journal of the proceedings of the trustees of such township.

SEC. 5. The said township trustees, whenever they shall have established any such ditch, drain or water course, shall divide the same into suitable sections, not less in number than the number of owners of land through which the same may be located, and shall also prescribe the time within which the work upon such section shall be completed, and by whom done; and the said trustees shall assess and allow all the reasonable fees, costs and expenses of locating and establishing such ditch, drain or water course, and shall apportion the payment of the same equitably among the parties to be benefited thereby, and the trustees may prescribe the time within which said assessment shall be paid, and they may, if they deem it necessary and convenient to the parties, direct the clerk to prepare for the use of each person having costs to pay and labor to perform, a brief statement in writing describing briefly his her or their apportionment of said ditch, together with the length, depth, width and flare of the same, the amount of costs assessed against such person, when to be paid, and by what time said work to be completed. Same.

SEC. 6. And when the trustees have located and established any such ditch, drain or water course under this act, they may, if they deem it necessary, make an order requiring flood gates or water ways to be erected along the line thereof at all such places when the owner or owners of land along such ditch may desire to build or place any fence or fences over the same; and said trustees may prescribe in their said order the length, height and kind of flood gates or water ways which shall be erected at all such fence crossings; and the persons owning the land upon which the same may be erected, shall thereafter keep the same in good repair; and if any such owner shall drive or permit stakes to be driven in the channel of such ditch at any such fence crossing, and permit them to remain after ten days notice in writing by the township trustees, it shall be the duty of said trustees to sell out the work of removing such obstructions and hindrances to the lowest responsible bidder, after giving ten days notice of the time and place of such sale and the time within which the work is to be performed; said notice to be given by posting up written notices or hand bills in three or more of the most public places in the township; when such sale is made the trustees shall take sufficient security for the performance of said work; after said sale the proceedings to collect the amount necessary to pay the purchaser for said work shall be the same as are provided in section thirteen of this act. Flood gates,  
&c.

SEC. 7. It shall be lawful for any person or persons interested in the location of such ditch, drain or water Appeal from  
proceedings.

course, or in the amount of compensation determined upon by said trustees, to take an appeal from the proceedings of said trustees to the probate court of such county, by giving written notice thereof to the clerk of such township, within five days after the decision of said trustees, and by filing with such clerk a bond, with two or more sufficient securities, conditioned for the payment of all costs made upon such appeal, in case the decision of said trustees shall be sustained in said probate court, which bond shall be made to the acceptance of said township clerk and the probate judge of such county, their acceptance indorsed on the same and filed by said probate judge with the other papers in the case. The township clerk shall thereupon, at the request of each person so appealing, his agent or attorney, make out and deliver to each such person, his agent or attorney, a full and complete certified transcript of the proceedings had in the case, which transcript shall be filed with the probate judge of such county within ten days from the filing of such bond.

Duty of probate judge, on appeal.

SEC. 8. It shall be the duty of the probate judge, upon the filing of such bond and transcript as provided for in the seventh section of this act, to impanel a jury of twelve disinterested freeholders of the county (who shall not be residents of such township), who shall constitute a jury for such case; and said probate judge shall issue over his hand and seal of office a notice of such appointment, directed to the sheriff of such county, returnable on a day not exceeding forty days therein named, which notice shall also specify the time of meeting of said jury in said probate court; that it shall be the duty of the appellant to notify in writing all persons so interested in the location of such ditch, drain or water-course, of the time fixed by the probate judge for the meeting of such jury; and if any person shall reside out of the state, or cannot be served in writing with such notice, said probate judge, being notified of that fact, shall cause such notice to be published for three consecutive weeks in some newspaper printed or of general circulation in said county; that proof of the publication of such notice shall be filed in such probate court before the meeting of such jury, together with proof of the service of such notice in writing, on all such persons interested as aforesaid, at or before the time so specified; provided, that in all cases where two or more persons shall have taken an appeal according to the preceding section, the probate judge shall order the consolidation of such cases into one case, and the rights of all the parties in interest, shall be investigated by the jury in the one case thus consolidated; in the event of any such consolidation, any one of the appellants shall be competent to give the notice required in this section.

Same.

SEC. 9. That at the time specified in said notice, said probate judge shall hear and determine all preliminary questions pertaining to such case, and shall, thereupon, administer an oath to said jury, faithfully and impartially, and upon actual view of the premises along the route of such ditch, and report in writing to said court:

*First*—Whether it will be conducive to the public health, convenience or welfare, to cause said proposed ditch, drain or water-course, to be established or located.

*Second*—The amount of compensation due to each person in case of the location of the same; and,

*Third*—The amount of labor to be performed by each person interested in the opening and constructing of the same.

That the jury shall file such report with the probate judge within five days after taking such oath (unless the court, for good cause, allow further time), specifying the sections and work to be done, as provided in section five of this act. The probate judge is hereby authorized to adjourn the proceedings in the premises from time to time, as circumstances may require. If, on the hearing of the preliminary proceedings referred to above in this section, the probate judge shall find that the proceedings in appeal have not been perfected according to this act, he shall dismiss the appeal at the cost of the appellant, and certify such dismissal back to the trustees of the township, who shall thereupon proceed as if no appeal had been taken; provided, that such judge may, in his discretion, order and allow the correction of any technical defect, error or omission, in making such appeal.

SEC. 10. Upon the return of the said jury, said probate judge shall make a record of all their proceedings had in such case before him, and shall also make such order as to the payment of compensation for land used for work to be performed, and as to the time of payment and opening and locating such ditch, drain or water-course, as said jury shall report, and shall also tax such costs in said proceedings as are provided for by law in similar cases; which costs, together with those made before said township trustees, shall be divided, to be paid in fair proportion amongst the several persons interested in the location of such ditch, drain or water-course, in conformity with the report of said jury; provided, that if the report of such jury shall not be in favor of the appellant, all costs made on such proceedings in said probate court shall be taxed to and paid by such appellant, and collected as judgments at law in other cases; but if two or more persons shall have appealed, and the report of said jury shall be favorable to some of the appellants and against the other appellants, the probate judge shall apportion said costs equitably among all the appellants, except those in whose favor the report of the jury is made; and, provided also, that said township trustees shall be allowed one dollar and fifty cents per day for each day employed in such proceeding; and said jury shall be allowed one dollar and fifty cents per day each, together with mileage from their respective residences to the probate court and to the place of said proposed ditch, drain or water-course, at the rate of five cents per mile.

SEC. 11. That said ditch, drain or water-course shall be opened and worked, and compensation for land used in the construction of the same, paid within the time specified in the order of said probate judge; and at the expiration of such time, any such work remaining undone, and the probate

Same, on return of jury.

Proviso, as to costs.

—as to allowance to trustees and jury

Sale, when work remains undone.

Security required.

judge being notified of that fact, shall immediately give notice of the sale of such work by sections, or parts of sections of said ditch, drain or water-course, to the lowest bidder, by written or printed hand-bills. The time of such sale shall not be less than ten nor more than twenty days from the date of the notice, and the place of sale shall be either at the door of the court house, or at the proposed terminus of such ditch, as said probate judge shall direct. That said probate judge shall take such security for the performance of such work as he may deem necessary, and he shall immediately after such sale enter his proceedings on his journal and make them part of the record in such case, and shall thereupon certify to the auditor of the county the several amounts, including costs apportioned, so assessed against each owner or person interested as aforesaid, describing each piece or parcel of land so to be charged, and the said auditor shall thereupon enter the same on the duplicate of such township, to be collected as other taxes are collected, and shall be paid over on the order of the county auditor to the probate judge of the county, who shall keep a correct account of the same, and shall pay the same over to the several persons entitled thereto, whenever he shall be satisfied that the several sections have been completed according to the report of the jury theretofore made.

Further proceedings.

SEC. 12. As soon as an appeal shall be perfected from the decision of said township trustees, all further proceedings before them on said petition shall be stayed; but if no appeal shall be taken as provided for in the seventh section of this act, then it shall be the duty of said trustees, upon the expiration of the time specified by them for the opening of such ditch, drain or water-course, and upon being satisfied by inspection and view that any section or sections of the same have not been completed, to sell such work by such sections to the lowest bidders, by setting up written or printed notices of such sale in at least three of the most public places in such township, specifying the time when such work shall be completed; said notices to be posted up for at least ten days before the day of sale, and said trustees shall take such bond or other security for the performance of such work as they may deem proper. Said township trustees shall make a fair and just estimate of the amount of the costs made in all such proceedings, to be paid by each person interested in such proposed ditch, drain or water-course, and collect and pay out the same in conformity with such estimates; and they are hereby authorized to bring suit before any justice of the peace for the amount so assessed against any person, and the journal containing the record of their proceedings, or a certified copy therefrom, shall be prima facie evidence of such indebtedness. • No order for the opening or sale of such ditch, or any part thereof, shall be made until the full amount of such compensation for land appropriated shall have been paid.

Estimate of costs.

Trustees to certify to auditor.

SEC. 13. Immediately after the sale of any such sections or parts of sections, as provided for in the twelfth section of this act, said trustees shall certify to the auditor of the



county the amount each section sold for, adding the proportionate amount of cost and expenses of such sale, together with a correct description of each piece of land, and said auditor shall place the same on the duplicate to be collected as other state and county taxes are collected. As soon as such work shall be completed in conformity with such sale and to the satisfaction of said trustees, said trustees shall certify the amount due to each person to the auditor of the county, and said auditor shall draw orders for the payment of such amount out of the county treasury; provided, that any person interested may pay the amount of the purchase money and proportionate share of cost and expenses as aforesaid to said trustees at any time before the same are charged on the duplicate, to be paid by said trustees to the purchaser of such section or sections respectively.

SEC. 14. If the jury so appointed by said probate judge shall report in conformity with the proceedings of said trustees, as far as the interest of the person so appealing shall be concerned, then and in that case, all costs made on such appeal shall be taxed against such appellant.

Costs, when  
taxed  
against ap-  
pellant.

SEC. 15. The township trustees shall have the same power to cause any ditch, drain or water-course, located and constructed under the provisions of this act or the acts herein repealed, or otherwise, to be cleaned out, deepened, widened or repaired, as they have to order any such ditch, drain or water-course to be located and constructed under this act, and the same proceedings, so far as necessary and applicable, shall be had as is required in the location and construction of the same. In all cases the expense of the same to be apportioned in the same manner as in the original construction.

Cleaning  
and widen-  
ing of ditch-  
es, &c.

SEC. 16. That the act entitled an act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, passed May 1, 1862, be and the same is hereby repealed; provided, that such repeal shall not affect or impair any right acquired, or liability incurred, or proceedings had under the law so repealed; provided, further, that the proceedings under this act, and the said act passed May 1, 1862, herein repealed, shall not be held to be void on account of any merely technical informality or irregularity in the form of the petition, or any informality appearing in the record of the proceedings of the township trustees, or other proceedings pertaining thereto; and the collection of the taxes and assessments ordered in proceedings under the provisions of this act, or the said act herein repealed, shall not be enjoined or held to be void on account of any merely technical irregularity or defect in such proceedings as aforesaid.

Act repealed.

Proviso.

SEC. 17. This act to take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 6, 1868.

judge being notified of that fact, shall immediately give notice of the sale of such work by sections, or parts of sections of said ditch, drain or water-course, to the lowest bidder, by written or printed hand-bills. The time of such sale shall not be less than ten nor more than twenty days from the date of the notice, and the place of sale shall be either at the door of the court house, or at the proposed terminus of such ditch, as said probate judge shall direct. That said probate judge shall take such security for the performance of such work as he may deem necessary, and he shall immediately after such sale enter his proceedings on his journal and make them part of the record in such case, and shall thereupon certify to the auditor of the county the several amounts, including costs apportioned, so assessed against each owner or person interested as aforesaid, describing each piece or parcel of land so to be charged, and the said auditor shall thereupon enter the same on the duplicate of such township, to be collected as other taxes are collected, and shall be paid over on the order of the county auditor to the probate judge of the county, who shall keep a correct account of the same, and shall pay the same over to the several persons entitled thereto, whenever he shall be satisfied that the several sections have been completed according to the report of the jury theretofore made.

Security required.

Further proceedings.

SEC. 12. As soon as an appeal shall be perfected from the decision of said township trustees, all further proceedings before them on said petition shall be stayed; but if no appeal shall be taken as provided for in the seventh section of this act, then it shall be the duty of said trustees, upon the expiration of the time specified by them for the opening of such ditch, drain or water-course, and upon being satisfied by inspection and view that any section or sections of the same have not been completed, to sell such work by such sections to the lowest bidders, by setting up written or printed notices of such sale in at least three of the most public places in such township, specifying the time when such work shall be completed; said notices to be posted up for at least ten days before the day of sale, and said trustees shall take such bond or other security for the performance of such work as they may deem proper. Said township trustees shall make a fair and just estimate of the amount of the costs made in all such proceedings, to be paid by each person interested in such proposed ditch, drain or water-course, and collect and pay out the same in conformity with such estimates; and they are hereby authorized to bring suit before any justice of the peace for the amount so assessed against any person, and the journal containing the record of their proceedings, or a certified copy therefrom, shall be prima facie evidence of such indebtedness. • No order for the opening or sale of such ditch, or any part thereof, shall be made until the full amount of such compensation for land appropriated shall have been paid.

Estimate of costs.

Trustees to certify to auditor.

SEC. 13. Immediately after the sale of any such sections or parts of sections, as provided for in the twelfth section of this act, said trustees shall certify to the auditor of the

county the amount each section sold for, adding the proportionate amount of cost and expenses of such sale, together with a correct description of each piece of land, and said auditor shall place the same on the duplicate to be collected as other state and county taxes are collected. As soon as such work shall be completed in conformity with such sale and to the satisfaction of said trustees, said trustees shall certify the amount due to each person to the auditor of the county, and said auditor shall draw orders for the payment of such amount out of the county treasury; provided, that any person interested may pay the amount of the purchase money and proportionate share of cost and expenses as aforesaid to said trustees at any time before the same are charged on the duplicate, to be paid by said trustees to the purchaser of such section or sections respectively.

SEC. 14. If the jury so appointed by said probate judge shall report in conformity with the proceedings of said trustees, as far as the interest of the person so appealing shall be concerned, then and in that case, all costs made on such appeal shall be taxed against such appellant.

Costs, when  
taxed  
against ap-  
pellant.

SEC. 15. The township trustees shall have the same power to cause any ditch, drain or water-course, located and constructed under the provisions of this act or the acts herein repealed, or otherwise, to be cleaned out, deepened, widened or repaired, as they have to order any such ditch, drain or water-course to be located and constructed under this act, and the same proceedings, so far as necessary and applicable, shall be had as is required in the location and construction of the same. In all cases the expense of the same to be apportioned in the same manner as in the original construction.

Cleaning  
and widen-  
ing of ditch-  
es, &c.

SEC. 16. That the act entitled an act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, passed May 1, 1862, be and the same is hereby repealed; provided, that such repeal shall not affect or impair any right acquired, or liability incurred, or proceedings had under the law so repealed; provided, further, that the proceedings under this act, and the said act passed May 1, 1862, herein repealed, shall not be held to be void on account of any merely technical informality or irregularity in the form of the petition, or any informality appearing in the record of the proceedings of the township trustees, or other proceedings pertaining thereto; and the collection of the taxes and assessments ordered in proceedings under the provisions of this act, or the said act herein repealed, shall not be enjoined or held to be void on account of any merely technical irregularity or defect in such proceedings as aforesaid.

Act repealed.

Proviso.

SEC. 17. This act to take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 6, 1868.

## AN ACT

Supplementary to an act passed April 13, 1867, entitled "an act supplementary to an act to authorize the erection, improving, enlarging or constructing additions to town halls, and to repeal an act therein named," passed April 2, 1866.

Additional  
levy to com-  
plete town  
halls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the city council of any city of the second class having a population not exceeding sixteen thousand inhabitants, shall have proceeded to erect a town hall, and to borrow money and to issue the bonds of such city in accordance with the provisions of said original and supplementary acts, and the city council shall find that the sum of twenty thousand dollars will be insufficient to complete such town hall, it shall be lawful for the city council of said city, and such council is hereby authorized, for the purpose of completing such town hall, to borrow an additional sum of money, over and above the sum of twenty thousand dollars already borrowed, not exceeding the sum of ten thousand dollars additional, and to issue the bonds of the city for the payment thereof, in the same manner, and the payment of the principal and interest thereof to be provided for by taxation as in said supplementary act provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 6, 1868.

## AN ACT

Supplementary to "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837. (S. & C., 810.)

Special con-  
stables may  
be appointed  
in certain  
townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in the opinion of any justice of the peace, in any township situated on and consisting of one or more islands in any lake in this state, the constables of his township are insufficient to maintain the peace and duly enforce the laws for the preservation of order therein, it shall be lawful for such justice to appoint any number of special constables not exceeding ten, who shall be conservators of the peace within such township, and shall have the same powers as are now conferred by law upon constables in criminal cases; he shall make a memorandum of such appointment upon his docket, and the same shall continue in force for one year, unless sooner revoked by such justice; such special constables, when actually engaged in preserving the peace, shall be entitled to receive as compensation therefor, the sum of two dollars per day, which shall be in lieu

Duties, com-  
pensation,  
&c.

of all other compensation, to be paid out of the treasury of such township upon the certificate of such justice.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

Supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any religious society incorporated under any of the general laws or any special law of this state, and which act of incorporation prescribes that the public religious services of such society shall be conducted in any other than the English language, at any time by a vote of a majority of the adult members in good and regular standing of such society who speak such prescribed language, to decide whether the public religious services of said society may, at any time, be conducted in any other than such prescribed language

Religious societies may prescribe in what language services shall be conducted.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

In relation to city parks, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class shall have power to purchase land and thereon to lay out, dedicate, improve and regulate public parks within the city, and for that purpose to appropriate any money in the treasury of such city not otherwise appropriated, and if necessary, may borrow money not exceeding in the aggregate twenty-five thousand dollars, at such rate of interest payable annually, not exceeding six per cent. per annum, and upon such length of time not exceeding ten years, as the council may think best, and may issue bonds therefor binding on the city, or may issue such bonds to those of whom the land is purchased; said bonds to be redeemable at any

Cities of second class may purchase and improve parks, &c.

Security required.

judge being notified of that fact, shall immediately give notice of the sale of such work by sections, or parts of sections of said ditch, drain or water-course, to the lowest bidder, by written or printed hand-bills. The time of such sale shall not be less than ten nor more than twenty days from the date of the notice, and the place of sale shall be either at the door of the court house, or at the proposed terminus of such ditch, as said probate judge shall direct. That said probate judge shall take such security for the performance of such work as he may deem necessary, and he shall immediately after such sale enter his proceedings on his journal and make them part of the record in such case, and shall thereupon certify to the auditor of the county the several amounts, including costs apportioned, so assessed against each owner or person interested as aforesaid, describing each piece or parcel of land so to be charged, and the said auditor shall thereupon enter the same on the duplicate of such township, to be collected as other taxes are collected, and shall be paid over on the order of the county auditor to the probate judge of the county, who shall keep a correct account of the same, and shall pay the same over to the several persons entitled thereto, whenever he shall be satisfied that the several sections have been completed according to the report of the jury theretofore made.

Further proceedings.

SEC. 12. As soon as an appeal shall be perfected from the decision of said township trustees, all further proceedings before them on said petition shall be stayed; but if no appeal shall be taken as provided for in the seventh section of this act, then it shall be the duty of said trustees, upon the expiration of the time specified by them for the opening of such ditch, drain or water-course, and upon being satisfied by inspection and view that any section or sections of the same have not been completed, to sell such work by such sections to the lowest bidders, by setting up written or printed notices of such sale in at least three of the most public places in such township, specifying the time when such work shall be completed; said notices to be posted up for at least ten days before the day of sale, and said trustees shall take such bond or other security for the performance of such work as they may deem proper. Said township trustees shall make a fair and just estimate of the amount of the costs made in all such proceedings, to be paid by each person interested in such proposed ditch, drain or water-course, and collect and pay out the same in conformity with such estimates; and they are hereby authorized to bring suit before any justice of the peace for the amount so assessed against any person, and the journal containing the record of their proceedings, or a certified copy therefrom, shall be prima facie evidence of such indebtedness. • No order for the opening or sale of such ditch, or any part thereof, shall be made until the full amount of such compensation for land appropriated shall have been paid.

Estimate of costs.

Trustees to certify to auditor.

SEC. 13. Immediately after the sale of any such sections or parts of sections, as provided for in the twelfth section of this act, said trustees shall certify to the auditor of the

county the amount each section sold for, adding the proportionate amount of cost and expenses of such sale, together with a correct description of each piece of land, and said auditor shall place the same on the duplicate to be collected as other state and county taxes are collected. As soon as such work shall be completed in conformity with such sale and to the satisfaction of said trustees, said trustees shall certify the amount due to each person to the auditor of the county, and said auditor shall draw orders for the payment of such amount out of the county treasury; provided, that any person interested may pay the amount of the purchase money and proportionate share of cost and expenses as aforesaid to said trustees at any time before the same are charged on the duplicate, to be paid by said trustees to the purchaser of such section or sections respectively.

SEC. 14. If the jury so appointed by said probate judge shall report in conformity with the proceedings of said trustees, as far as the interest of the person so appealing shall be concerned, then and in that case, all costs made on such appeal shall be taxed against such appellant.

Costs, when  
taxed  
against ap-  
pellant.

SEC. 15. The township trustees shall have the same power to cause any ditch, drain or water-course, located and constructed under the provisions of this act or the acts herein repealed, or otherwise, to be cleaned out, deepened, widened or repaired, as they have to order any such ditch, drain or water-course to be located and constructed under this act, and the same proceedings, so far as necessary and applicable, shall be had as is required in the location and construction of the same. In all cases the expense of the same to be apportioned in the same manner as in the original construction.

Cleaning  
and widen-  
ing of ditch-  
es, &c.

SEC. 16. That the act entitled an act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, passed May 1, 1862, be and the same is hereby repealed; provided, that such repeal shall not affect or impair any right acquired, or liability incurred, or proceedings had under the law so repealed; provided, further, that the proceedings under this act, and the said act passed May 1, 1862, herein repealed, shall not be held to be void on account of any merely technical informality or irregularity in the form of the petition, or any informality appearing in the record of the proceedings of the township trustees, or other proceedings pertaining thereto; and the collection of the taxes and assessments ordered in proceedings under the provisions of this act, or the said act herein repealed, shall not be enjoined or held to be void on account of any merely technical irregularity or defect in such proceedings as aforesaid.

Act repealed.

Proviso.

SEC. 17. This act to take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 6, 1868.

## AN ACT

Supplementary to an act passed April 13, 1867, entitled "an act supplementary to an act to authorize the erection, improving, enlarging or constructing additions to town halls, and to repeal an act therein named," passed April 2, 1866.

Additional  
levy to com-  
plete town  
halls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the city council of any city of the second class having a population not exceeding sixteen thousand inhabitants, shall have proceeded to erect a town hall, and to borrow money and to issue the bonds of such city in accordance with the provisions of said original and supplementary acts, and the city council shall find that the sum of twenty thousand dollars will be insufficient to complete such town hall, it shall be lawful for the city council of said city, and such council is hereby authorized, for the purpose of completing such town hall, to borrow an additional sum of money, over and above the sum of twenty thousand dollars already borrowed, not exceeding the sum of ten thousand dollars additional, and to issue the bonds of the city for the payment thereof, in the same manner, and the payment of the principal and interest thereof to be provided for by taxation as in said supplementary act provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 6, 1868.

## AN ACT

Supplementary to "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837. (S. & C., 810.)

Special con-  
stables may  
be appointed  
in certain  
townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, in the opinion of any justice of the peace, in any township situated on and consisting of one or more islands in any lake in this state, the constables of his township are insufficient to maintain the peace and duly enforce the laws for the preservation of order therein, it shall be lawful for such justice to appoint any number of special constables not exceeding ten, who shall be conservators of the peace within such township, and shall have the same powers as are now conferred by law upon constables in criminal cases; he shall make a memorandum of such appointment upon his docket, and the same shall continue in force for one year, unless sooner revoked by such justice; such special constables, when actually engaged in preserving the peace, shall be entitled to receive as compensation therefor, the sum of two dollars per day, which shall be in lieu

Duties, com-  
pensation,  
&c.



of all other compensation, to be paid out of the treasury of such township upon the certificate of such justice.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

Supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any religious society incorporated under any of the general laws or any special law of this state, and which act of incorporation prescribes that the public religious services of such society shall be conducted in any other than the English language, at any time by a vote of a majority of the adult members in good and regular standing of such society who speak such prescribed language, to decide whether the public religious services of said society may, at any time, be conducted in any other than such prescribed language

Religious societies may prescribe in what language services shall be conducted.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

In relation to city parks, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class shall have power to purchase land and thereon to lay out, dedicate, improve and regulate public parks within the city, and for that purpose to appropriate any money in the treasury of such city not otherwise appropriated, and if necessary, may borrow money not exceeding in the aggregate twenty-five thousand dollars, at such rate of interest payable annually, not exceeding six per cent. per annum, and upon such length of time not exceeding ten years, as the council may think best, and may issue bonds therefor binding on the city, or may issue such bonds to those of whom the land is purchased; said bonds to be redeemable at any

Cities of second class may purchase and improve parks, &c.

—on vote of  
the qualified  
electors, &c.

time before due at the pleasure of the city council; provided, that no purchase shall be made or money appropriated out of the treasury of such city until the question of the purchase of such land and the improvements to be made thereon is submitted to a vote of the qualified electors of such city, and approved by a majority of them, at a meeting to be held for that purpose, of which twenty days' notice shall be given by such city council, by advertisement in some newspaper published and of general circulation in such city, at which meeting the mayor shall preside, and the proceedings of the same be recorded by the clerk of such city.

Park lands  
inalienable.

SEC. 2. No land which shall by ordinance have been dedicated as such public park, shall be afterward alienated or appropriated to any other purpose inconsistent with its dedication.

SEC. 3. That an act passed April 15, 1867, entitled "an act in relation to city parks," is hereby repealed. This act to be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

Supplementary to an act entitled an act for the incorporation and regulation of life insurance companies, passed April 16th, 1867. (O. L., v.l. 64, page 192.)

Life insurance  
companies must  
publish annual  
certificate, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of every life insurance company provided for in the act to which this is supplementary, doing business in this state, organized under the laws of this state, or of any other state or nation, to publish, at least once a year, in some newspaper of general circulation in every county where such company has an agent or transacts business, a certificate from the auditor of state that such company has, in all respects, complied with the laws of the state relating to insurance. Said certificate shall also contain a statement, under the oath of the president or secretary of such insurance company, of the actual amount of paid up capital, the aggregate amount of assets and liabilities at the date of such certificate, together with the aggregate income and expenditures of such company for the year preceding the date of each certificate. No other publication than as above provided for shall be required of such companies.

Contents  
thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 8, 1868.

## AN ACT

To amend section nine of the act entitled "an act securing the benefits of the writ of habeas corpus, as amended by section one," passed April 14th, 1863. (Vol. 60, pages 115 and 116 of the Laws of Ohio.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine of the act entitled "an act securing the benefits of the writ of habeas corpus," as amended April 14th, 1863, be amended [so] as to read as follows:

Section 9. That no citizen of this state, being an inhabitant or resident within the same, shall be sent prisoner to any place whatsoever out of this state, for any crime or offense committed within this state, and every such imprisonment is hereby declared to be illegal. And if any such citizen shall be so imprisoned, he may, for every such imprisonment, maintain an action of false imprisonment, in any court having cognizance thereof, against the person or persons by whom he shall be so imprisoned or transported contrary to the intention of this act, and against any person who shall contrive, write, seal, sign or countersign any writing for such imprisonment or transportation, or shall be aiding or assisting in the same, or any of them, and shall recover treble costs, besides damages, which damages, so to be given, shall not be less than one thousand dollars; and every person knowingly concerned in any manner, as aforesaid, in such illegal imprisonment or transportation, contrary to this act, and being thereof lawfully convicted, shall be disabled from thenceforth to bear or hold any office of trust or profit within this state; provided, that if any citizen of this state, or person or persons at any time resident in the same, shall have committed, or be charged with having committed, any treason, felony or misdemeanor, in any other part of the United States or territories, where he or she ought to be tried for such offense, he, she or they may be sent to the state or territory having jurisdiction of the offense.

No citizen shall be sent out of the state for crime committed in the state.

Remedy and penalty.

Proviso as to fugitives from other states.

SEC. 2. That said amended section nine is hereby repealed, and this act shall be in force from and after its passage.

Section repealed.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 8, 1868.

## AN ACT

To regulate the practice of dentistry in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person to practice dentistry in the state of Ohio for compensation, unless such person has received a diploma from the faculty of a dental college duly incorporated under the laws of this or any other state of the United States or foreign country,

Diploma requisite for practical dentists.

or a certificate of qualification issued by the state dental society or by any local society auxiliary thereto; provided, that nothing in this section shall apply to persons now engaged in the practice of dentistry in this state, before the first day of January, 1873.

Penalty for violation of act.

SEC. 2. Any person who shall practice dentistry without having complied with the regulations of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars; provided, that nothing in this act shall be construed to prevent physicians and surgeons from extracting teeth.

Prosecutions in common pleas.

SEC. 3. All prosecutions under this act shall be by indictment before the court of common pleas in the county where the offense was committed, and all fines imposed and collected under the provisions of this act, shall be paid into the treasury of the county where such conviction shall take place, for the use of the common schools within such county.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

To amend sections twenty-four, twenty-nine, thirty-one, thirty-nine, forty, forty-one, forty-two, forty-four and forty-five, of an act entitled an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money, as amended April 7th, 1863. (Vol. 60, pages 56, 57, 58, 59 and 60, of the laws of Ohio.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections twenty-four, twenty-nine, thirty-one, thirty-nine, forty, forty-one, forty-two, forty-four and forty-five, of the above recited acts as amended be so amended as to read as follows:

Division of counties into districts.

Section 24. The county commissioners of each county in this state, shall, at their June session, in the year one thousand eight hundred and sixty-nine, and every tenth year thereafter, divide their county into suitable and convenient districts, not less than the number of townships in their county; and any county within the limits of which there is a city, the commissioners shall divide said city into districts, comprising within each not less than one ward nor more than five, and no township or ward shall be divided in making such district, which district shall be composed of contiguous territory; and the commissioners shall give notice by publication in some newspaper in the county, and if no newspaper is published in the county, then by public notice set up in each township and ward, at the usual place of holding elections, setting forth the boundaries of districts in cities; and the qualified electors

of such districts shall, at the October election, in the year eighteen hundred and sixty-nine, and every tenth year thereafter, elect some citizen of such district, having the qualifications of an elector, as assessor of real property within such district: the judges of election shall keep a separate poll-book for the election of said assessors; and the returns thereof, duly certified as in other cases, shall be made to the county auditor, who, with the clerk of the court of common pleas and probate judge of the county, shall open the same and declare the result; and the auditor shall within ten days after opening such returns, give notice to each of the persons elected of his election. And whenever the commissioners have failed to district their county at their June session, in accordance with the provisions of this act, it shall be their duty to district said county at any subsequent meeting of the board prior to the first Monday of April ensuing.

Election of district assessors.

Returns to county auditors.

SEC. 2. That section twenty-nine as amended, be so amended as to read as follows:

Section 29. Each district assessor shall, on or before the first Monday of July, one thousand eight hundred and seventy, and every fifth year thereafter, make out and deliver to the auditor of his county, a return, in tabular form, contained in a book to be furnished him by such auditor, of the amount, description and value of the real property subject to be listed for taxation in his district, which return shall contain: 1st. The name of the several persons, companies or corporations, in whose name the several tracts of real property, other than town property, in each township within his district, shall have been listed; and in appropriate columns, opposite each name, the description of each tract, designating the number of acres, the number of section, and the part thereof, and of the township or survey, listed in such name, and the value of each separate tract, as determined by the assessor. 2d. The names of the several persons, companies or corporations in whose names the several lots of real property in each town in his district shall have been listed; and in the appropriate columns, opposite each name, the description of each lot, and the value thereof, as determined by the assessor; and such description shall designate the town, the number of lot and the part thereof; and if a part of a lot is listed, it shall state the number of feet along the principal street on which it abuts. If the name of the owner of any tract of land or lot shall be unknown, the word "unknown" shall be entered in the column of names opposite said tract or lot. If such land be situated in the Virginia military district, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof, contained in each tract so listed.

Assessors' return to county auditor.

SEC. 3. That section thirty-one be so amended as to read as follows:

Section 31. The county auditor of each county shall, as soon as practicable, after the first day of March, one thousand eight hundred and seventy, and every tenth year thereafter, make out and deliver to the assessor of each district

When county auditor to furnish lists and maps to assessors.

in his county, an abstract from the books in his office, containing a description of each tract and lot of real property situate within such district, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein, as the same shall appear on his books; and also a map of each township and town within such district, with such plat books as may be necessary to enable the district assessor to make a correct plat of each section, survey and tract in his district.

SEC. 4. That section thirty-nine be amended so as to read as follows:

County  
board of  
equalization.

Time and  
place of  
meeting, and  
duties.

Section 39. The county auditor, the county surveyor, the county commissioners, or a majority of them, shall form a county board of the equalization of the real property of their county, with the exception of the real property in cities of the first and second class, which shall be equalized by a special board, as hereinafter provided. They shall meet on the first Tuesday after the first Monday of September, one thousand eight hundred and seventy, and every tenth year thereafter, at the auditor's office, in the several counties, when the county auditor shall lay before them the returns of the real property made by the several district assessors of such county, with the additions he shall have made thereto, and having each taken an oath fairly and impartially to equalize the value of the real estate of such county, according to the provisions of this act, they shall immediately proceed to equalize such valuation, so that each tract or lot shall be entered on the tax list at its true value, and for this purpose they shall observe the following rules: 1st. They shall raise the valuation of such tracts and lots of real property, as, in their opinion, have been returned below their true value, to such price or sum as they may believe to be the true value thereof, agreeably to the rules prescribed by this act for the valuation thereof. 2d. They shall reduce the valuation of such tracts and lots as, in their opinion, have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to their relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot. 3d. They shall not reduce the aggregate value of the real property of the county below the aggregate value thereof, as returned by the assessors, with the addition made thereto by the auditor as hereinbefore required. The county auditor shall keep an accurate journal or record of the proceedings and orders of said board.

SEC. 5. That section forty be so amended as to read as follows:

Special  
board in  
cities.

Section 40. There shall be a special board for the equalization of the real property in cities of the first and second class, to be composed of the county auditor and six citizens in each of said cities, to be appointed by the city council; said board shall meet at the auditor's office in said city, on the fourth Monday of October, one thousand eight hundred and seventy, and every tenth year thereafter, and shall have

power to equalize the value of the real property within such city, and shall be governed by the same rules, provisions and limitations that are prescribed in the preceding section for the government of the county boards for the equalization of property.

SEC. 6. That section forty-one be so amended as to read as follows :

Section 41. Each county auditor shall, on or before the second Monday of October, one thousand eight hundred and seventy, and every tenth year thereafter, make out and transmit to the auditor of state an abstract of the real property of each township in his county, in which he shall set forth : 1st. The number of acres, exclusive of town lots, returned by the several assessors of his county, with such additions as shall have been made thereto. 2d. The aggregate value of such real property, other than town lots, as returned by the several assessors of his county, inclusive of such additions as shall have been made thereto under the provisions of this act. 3d. The aggregate value of the real property in each township of his county, as returned by the several assessors, with such additions as shall have been made thereto.

Abstracts of  
real property  
by auditors.

SEC. 7. That section forty-two be amended so as to read as follows :

Section 42. The state board of equalization shall consist of one member from each senatorial district of the state, except the first district, which shall be entitled to three members, all of whom shall have the qualification of electors ; and the qualified electors of each senatorial district shall, at the October election, in the year one thousand eight hundred and seventy, and every tenth year thereafter, elect persons to serve as members of such board of equalization, in accordance with the provisions of this section ; and the return of the poll-books and certificate of election shall be governed by the law regulating the election of senators ; and in case of vacancy in such office, either by death, resignation or otherwise, the governor of the state shall have the power to appoint a person, who shall be a resident elector of the district so vacated, to fill such vacancy, as soon as he shall be informed thereof. The auditor of state shall, by virtue of his office, be a member of this board. The said board shall meet at Columbus on the first Monday of November, one thousand eight hundred and seventy, and every tenth year thereafter ; and the members thereof shall each take an oath or affirmation that he will, to the best of his knowledge and ability so far as the duty devolves on him, equalize the valuation of real property among the several counties and towns in the state, according to the rules prescribed by this act for valuing and equalizing the value of real property ; and having received from the auditor of state the abstracts of real property transmitted to him by the several county auditors, said board shall proceed to equalize the same among the several towns and counties in the state, in the manner hereinafter prescribed : 1st. They shall add to the aggregate value of the real property of every county, which they shall believe to be valued below its true value in money, such per centum, in each case, as will raise

State board  
of equaliza-  
tion.

Their elec-  
tion.

Vacancies.

Time and  
place of  
meeting.

Oath.

Duties.

the same to its true value in money. 2d. They shall deduct from the aggregate valuation of the real property of every county, which they shall believe to be valued above its true value in money, such per centum, in each case, as will reduce the same to its true value in money. 3d. If they shall believe that right and justice require the valuation of real property of any town or towns in any county, or of the real property of such county not in towns, to be raised or to be reduced without raising or reducing the other real property of such county, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, or of property not in towns, such per centum as they shall believe will raise or reduce the same to its true value in money. 4th. They shall not reduce the aggregate value of all the real property of the state, as returned by the county auditors, more than ten millions. 5th. Said board shall keep a full account of their proceedings and orders.

SEC. 8. That section forty-four of the aforesaid act be so amended as to read as follows:

Annual county board.

Section 44. There shall be an annual county board for the equalization of the real and personal property, moneys and credits, in each county, exclusive of cities of the first and second class, to be composed of the county commissioners and county auditor, who shall meet for that purpose at the auditor's office in each county, on the first Wednesday after the third Monday of May, annually. Said board shall have the power to hear complaints and to equalize the valuation of all real and personal property, moneys and credits, within the county, and shall be governed by the rules prescribed in the thirty-ninth section of the act to which this is an amendment, for the government of county boards for the equalization of real property: provided, that said board shall not reduce the value of the real property of the county below the aggregate value thereof as fixed by the state board of equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures over the value of those destroyed, as returned by the several township assessors for the current year.

Their powers and duties.

SEC. 9. That section forty-five of the aforesaid act be so amended as to read as follows:

Special board in cities.

Section 45. There shall be a special board for the equalization of real and personal property, moneys and credits, in cities of the first and second class, to be composed of the county auditor and six citizens of each of said cities, to be appointed by the city council of such city. Said board shall meet annually, at the auditor's office in said cities, on the fourth Monday of May, and shall have power to equalize the value of the real and personal property, moneys and credits, within said cities, and shall be governed by the same rules, provisions and limitations that are prescribed for the government of county boards for the equalization of real and personal property, moneys and credits: provided, that said board shall not be authorized to extend its session beyond the fourth Monday in June in each year.



SEC. 10. That sections twenty-four, twenty-nine, thirty-one, thirty-nine, forty, forty-one and forty-two, forty-four and forty five, as amended April 7th, 1863, be and the same are hereby repealed. Sections repealed.

SEC. 6. [11]. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

To exempt personal earnings from application to the payment of debts in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the earnings of the debtor for his or her personal services, or the personal services of his or her minor child or children, at any time within three months next preceding the time of commencement of the action or proceeding, shall be exempt from application to the payment of any debt under any proceeding or process, when it shall be made to appear by the affidavit of the debtor or otherwise, that such debtor is the head or support of a family, and that such earnings are necessary to the support of said family. When personal earnings exempt from application to payment of debts

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

Supplementary to the act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a board of education or the directors of a sub-district employ a teacher to teach the German language in any common school in this state, such teacher shall first be examined by the board of the county school examiners, or a competent person skilled in that language, appointed by said board; and if upon such exam- Certificate of qualifications of teacher of German.

ination such teacher shall be found qualified to teach in that language orthography, reading, writing, arithmetic, geography and German grammar, and shall be further found to possess an adequate knowledge of the theory and practice of teaching, the examiners aforesaid shall grant to him or her a certificate of qualifications to teach said branches, which shall be valid for not more than two years nor less than six months, as may be therein specified, and no other certificate of qualification shall be necessary to entitle such teacher to draw his salary for his services.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

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AN ACT

To authorize the election of an additional judge of the court of common pleas in the second subdivision of the sixth judicial district.

Additional  
judge in  
sixth district

Powers, du-  
ties, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the sixth judicial district for the state of Ohio, there shall be one additional judge of the court of common pleas, who shall be a resident of the second subdivision of said district, composed of the counties of Ashland, Richland and Morrow, and be elected by the qualified electors of said counties at the next annual election of state and county officers, in the same manner and for the same time as is prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, and when elected and qualified shall have, in all respects, the same power and discharge the same duties as are conferred or enjoined by the constitution and laws of the state of Ohio upon other judges of said courts; and any vacancy that may occur in the office of such additional judge, whether by expiration of his term of service or otherwise, shall be filled as in other cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

## AN ACT

Prescribing the duties of the owners or keepers of wharf boats.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the owner or owners, keeper or keepers of any wharf boat on the Ohio river in this state, shall be required to keep such wharf boat open at all hours for the accommodation of the traveling public, and for the purpose of receiving and discharging freights.

Wharf boats must be kept open at all hours.

SEC. 2. It shall be the duty of the owner or owners, keeper or keepers of any such wharf boat, to hail or cause to be hailed any passing steamboat, when requested to do so by any person wishing to embark on any such steamboat, or having freights to ship on the same.

Owners, &c., must hail steamboats when requested.

SEC. 3. Any owner or owners, keeper or keepers of any such wharf boat refusing or failing to comply with the provisions of this act, shall be fined in any sum not exceeding one hundred dollars and not less than ten dollars for each offense, such fine to be collected by an action brought before the mayor of any city or incorporated village, or justice of the peace where such offense was committed, and which fine when so collected shall be paid into the city, village or township treasury where the suit is brought, one-half for the use of the common school fund, and the other half for the use of said city, village or township fund.

Penalty for violation.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

## AN ACT

To amend sections one and two of an act entitled "an act to enable associations of persons to raise funds to be loaned among their members for building homesteads and for other purposes, to become a body corporate," passed May 5th, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of the above recited act be amended so as to read as follows:

Sec. 1. That any number of persons not less than five may associate together and become a corporation, as provided in the 63d, 64th and 65th sections of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, for the purpose of raising moneys to be loaned among the members and depositors of such corporation, for use in buying lots or houses, or in building or repairing houses, or other purposes.

Associations for loaning money among the members.

Rights of  
such associa-  
tions.

Sec. 2. Such corporation shall be authorized and empowered to levy, assess and collect from its members such sums of money, by rates of stated dues, fines, interest on loans advanced, and premiums bid by members or depositors for the right of precedence in taking loans, as the corporation by its by-laws shall adopt; also, to acquire, hold, encumber and convey all such real estate and personal property as may be legitimately pledged to it on such loans, or may otherwise be transferred to it in the due course of its business; provided, that the dues, fines and premiums so paid by members or depositors of such corporation, although paid in addition to the legal rate of interest on loans taken by them, shall not be construed to make the loans so taken usurious; and provided also, that no person shall hold more than twenty shares in any such association, in his own right.

Sections re-  
pealed.

SEC. 2. That sections one and two of the above recited act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9th, 1868.

#### AN ACT

To provide for the election of an additional judge of the court of common pleas for the second subdivision of the fifth judicial district.

Additional  
judge in fifth  
district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the fifth judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the second subdivision of said district, composed of the counties of Highland, Ross and Fayette, and be elected by the qualified voters of said counties, at the next annual election for state and county officers, in the same manner and for the same time as prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary, possess the same powers and discharge the same duties as are conferred or enjoined by the constitution and laws of the state upon other judges of said courts; and any vacancy that may occur in the office of such additional judge during his term, whether by death or otherwise, shall be filled as in other cases.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9, 1868.

## AN ACT

To provide the devices and great seal and coat of arms of the State of Ohio, and to repeal the act passed April 6, 1866, providing for the devices, great seal and coat of arms for this state, and the act amendatory thereto, passed April 16, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the coat of arms of the State of Ohio shall consist of the following device: A shield, in form, a circle. On it, in the foreground, on the right, a sheaf of wheat; on the left, a bundle of seventeen arrows, both standing erect; in the background, and rising above the sheaf and arrows, a mountain range, over which shall appear a rising sun.

Device of  
coat of arms.

SEC. 2. The great seal of the state shall be two and one-half inches in diameter, on which shall be engraved the device as described in the preceding section, and it shall be surrounded with these words: "The great seal of the State of Ohio." The seal of the supreme court shall be two and one-half inches in diameter, surrounded with these words: "The supreme court of the State of Ohio." The seal of the district court, for the court of common pleas, and for the probate court of each county, shall each be one inch and three-fourths in diameter, surrounded with these words: "District court of Ohio, — county," "Common pleas court of the county of —, Ohio," "Probate court — county, Ohio," *(in each case insert the name of the proper county.)* The seal for the superior court of any city or county shall be of the same size as the seal of the court of common pleas, and each, respectively, shall be surrounded with these words: "Superior court of —, Ohio," *(here insert the name of proper city.)* Superior court of — county, Ohio, *(here insert the name of the proper county.)* The seal of the secretary of state shall be two inches and one-fourth in diameter, surrounded with these words: "The seal of the secretary of state of Ohio." The seal of the auditor of state shall be one inch and three-fourths in diameter, which shall be surrounded by these words: "Seal of the auditor of state of Ohio." The seal of the treasurer of the state shall be one inch and three-fourths in diameter, surrounded by these words: "Seal of the treasurer of the state of Ohio." The seal of the comptroller of the treasury shall be one inch and three-fourths in diameter, surrounded by the words: "Comptroller of the treasury of Ohio." The seals of all other state and county and municipal officers required by law to use a seal, shall be one inch and three-quarters in diameter, surrounded with the appropriate name of the office. The seals of notaries public shall not be less than one inch and one-fourth in diameter, and shall be surrounded with words "Notarial seal, — county, Ohio," *(here insert the name of the proper county.)* and shall contain at least so much of the coat of arms as shall exhibit the mountain range, the rising sun, the bundle of arrows, and the sheaf of wheat. All the seals, other than notarial seals, mentioned in the foregoing section, shall contain the words and devices mentioned in this act, and no other.

Description  
of great seal.

Supreme  
Court seal.

Seals of other  
courts.

Seals of State  
officers.

Seals of other  
officers.

Secretary  
to procure  
certain seals.

SEC. 3. It shall be the duty of the secretary of state to procure a great seal for the use of the state, and a seal for each of the state officers named in this act, and a seal for the supreme court, of the words and devices and respective sizes hereinbefore described; and it shall also be the duty of the secretary of state to cause all commissions and official papers issued after this act shall take effect, to be printed with an engraved impression of the coat of arms.

Acts repealed

SEC. 4. The act passed April 6, 1866, (O. L. 63, 185,) entitled an act to provide the devices and great seal and coat of arms of the State of Ohio, and said act as amended April 16, 1867, (O. L. 64, 191,) be and the same are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 9, 1868.

#### AN ACT

To amend section three of an act entitled "An act further to prescribe the duties of county commissioners," passed April 8, 1856, (S. & C. Stat., page 249), as amended April 4, 1866. (O. L., vol 63, p. 93.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be so amended as to read as follows:

How and  
when pur-  
chases and  
contracts  
may be made  
for jails, &c.

Section 3. That the county commissioners shall not hereafter make any purchase or enter into any contract or engagement for the erection of any infirmary, court house, jail, bridge, culvert, or other public building or improvement, by which a larger amount of money or expense is involved than fifteen thousand dollars, without first submitting the question as to the policy of such outlay or expense involved therein to the qualified voters of the county, either at the annual spring or fall election, by first giving public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, and by hand bills, to be posted up in at least five public places in each township and ward of said county, one of which handbills shall be posted up on the day of such election at each of the places for holding such election; and all purchases made or contracts entered into for any such public building or improvement, involving an expenditure as aforesaid, shall be absolutely void as against said county, unless the policy of such outlay or expense shall first have been approved by a majority of the votes cast upon that subject at such election; provided, in case the question of the policy of such expenditure is submitted at a spring election, that all persons who reside in cities or incorporated

villages who are entitled to vote for township officers, shall not be entitled to cast their votes upon such question except at a township election; provided further, in all cases where it shall become necessary in the opinion of the county commissioners to borrow money to rebuild or restore any bridge, culvert, public building or improvement which has been destroyed by fire, freshet or other casualty, not exceeding the sum of fifteen thousand dollars, the said commissioners may issue county bonds or certificates of indebtedness, bearing interest at the rate of six per centum per annum, payable semi-annually, said bonds or certificates payable at such time and place as may be designated on their face; and for the payment of the principal and interest of such loan, the county commissioners are authorized annually to levy a tax, in addition to any tax authorized by law for either of such purposes, not exceeding one mill on the dollar valuation, until such loan shall be paid; provided further, that whenever any one or more of the principal public highways have been so greatly damaged or entirely destroyed by freshet, land slide, wearing or changing of water course, or other casualty, on the lines of two or more counties, which said counties shall be traversed by the said road or roads so damaged, the commissioners of said counties so interested shall repair such damages by erecting a bridge or bridges, changing said road, or by mason or earthwork, as said commissioners may deem expedient, to be paid for in equal proportions by said commissioners; provided further, that nothing in this section shall be so constructed as to prevent the commissioners of any county from making and entering into any contract and appropriating without a vote any money now remaining in the treasury, to the purpose for which such money was assessed and collected; and provided further that the county commissioners shall have authority at their option to cause any improvement to be made by private contract or otherwise, without letting the contract for the same to the highest bidder, where the the cost of such improvement will not exceed one thousand dollars.

SEC. 2. That section three of the above recited act, as amended April 4th, 1866, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 9, 1868.

12—LAWS.

When money  
may be bor-  
rowed.

Levy of tax  
for payment.

Proviso as to  
damages on  
county lines,  
&c.

## AN ACT

To amend section five of an act entitled "an act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled 'an act to authorize the county commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named,'" passed March 29th, 1867; passed March 31, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of the above recited act be so amended as to read as follows:

Commissioners may order improvement to be made, after a majority have petitioned for it.

How to determine as to a majority.

Change of apportionment, etc.

Engineer to be appointed—his duties, etc.

Section repealed.

Section 5. Upon the return of the report mentioned in the last section, the commissioners shall, if in their opinion public utility requires it, enter upon their records an order that the improvement be made, which order shall state the kind of improvement to be made, and the width and extent of the same, and the lands which shall be assessed for the expense of the same; but such order shall not be made until a majority of the resident landholders of the county whose lands are reported as benefited and ought to be assessed, shall have subscribed the petition mentioned in the second section of this act. And in determining said majority, minor heirs shall not be counted for or against said improvement, unless represented by legal guardian; and the action of such guardian shall be binding upon such minor heirs, and all heirs, either adults or minors, to any undivided estate, shall only be entitled to one vote for or against such improvement. If at any time after making such final order the commissioners shall find that there has been an omission of lots or lands within the territory sought to be assessed, or that there has been manifest injustice in the apportionment of taxes, or that public necessity requires any alteration in the manner of the improvement as ordered, they are authorized to make such addition and re-apportionment as they may deem just and proper, and such change in the improvement as will conform the same to the public requirement; and where any of the lands to be assessed or [are] subject to a life estate, the assessment made thereon shall be apportioned between the owner of the life estate and the owner of the fee in proportion to the relative value of their respective estates, such proportion to be ascertained upon the principles applicable to life annuities. After making such order for an improvement or for any change in the same, the commissioners shall appoint a competent engineer to superintend the performance and completion of said work, who shall, with the approval of the county commissioners, make a contract for the performance of the work, and the contractor may at once enter upon the performance of said work under the superintendence of the engineer appointed as aforesaid; provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give such reasonable security for the proper performance of his contract within the time and manner described, as the county commissioners may deem expedient.

SEC. 2. That section five of an act entitled "an act to amend sections one, two, four, five, six and eleven of an act



entitled an act to authorize the county commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 29, 1867, passed March 31, 1868, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9, 1868.

#### AN ACT

To amend section one of an act entitled "an act to provide for the safety of persons attending public assemblies," passed April 13, 1865, (O. L. vol. 62, page 139.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to provide for the safety of persons attending public assemblies," passed April 13, 1865, be so amended as to read as follows:

Section 1. That it shall be unlawful for any hall, theatre, opera house, church, school house, or building of any kind whatsoever, in any city or incorporated village, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled in case of alarm, or to be so used when the doors affording exit therefrom are locked or barred, or when such doors shall open inwardly.

Halls, theatres, etc., must have ample facilities for escape, &c.

SEC. 2. Original section one, of which this is amendatory, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 12, 1868.

#### AN ACT

To change the time fixed for holding the third term of the court of common pleas in Union county, in the third judicial district, for the year 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time fixed by the judges of the court of common pleas for the third judicial district of the state of Ohio, for holding said court in said county of Union, for the year 1868, be changed so that the third term of said court

Change of term time in Union county.

shall commence in the county of Union on the 4th day of November, 1868, instead of the 14th day of October in said year.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 12, 1868.

#### AN ACT

Supplementary to "an act relating to free turnpikes," passed March 11, 1867. (O. L. vol. 64, p. 54.)

Authority of  
town coun-  
cil in certain  
cases, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any case where a free turnpike road in progress of construction, terminates within one mile, by way of a public road, of any such incorporated village as described in the act to which this is supplementary, the town council of such incorporated village shall have the same power to levy a tax and to issue bonds to aid in the construction of such free turnpike road, that said council would have if said free turnpike road terminated in said incorporated village; and if the county commissioners having in charge the construction of such free turnpike road shall accept said bonds issued in pursuance of this act, said free turnpike road shall be deemed to be extended by way of the public road before mentioned to the corporate limits of said incorporated village; and said commissioners shall make and publish an order to that effect, and thereupon said commissioners shall improve said extension of said free turnpike road in the same manner as the other parts of the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 12, 1868.

#### AN ACT

To amend section one of an act entitled an act to amend section 43 of an act entitled "an act to provide for the settlement of estates of deceased persons," passed March 22d, 1840, as amended March 12th, 1861, passed April 9th, 1863. (Volume 60, pages 67 and 68 of laws of Ohio.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-three of the above recited act be amended to read as follows:

Section 43. That when any person shall die, leaving a widow, or minor child or children under the age of fifteen years, the following property shall not be deemed assets or administered as such, but shall be included and stated in the inventory of the estate, and signed by the appraisers, without appraising the same:

What property shall not be deemed assets to be administered on, in certain cases.

*First.* One family sewing machine, to be retained by said widow absolutely as her own property, and all spinning wheels, weaving looms and stoves set up and kept in use by the family.

*Secondly.* The family bible, family pictures and school books used by or in the family of the deceased, and books, not exceeding one hundred dollars in value, which were kept and used as part of the family library before the decease of such person.

*Thirdly.* One cow, or if there be no cow, household goods, to be selected by the widow, or if there be no widow, by the guardian or next friend of such minor child or children, not exceeding forty dollars in value, or if there be no household goods such as the widow or guardian or next friend may desire to select, then forty dollars in money; all sheep to the number of twelve, their valuation not to be greater than seventy five dollars, and the wool shorn from them, and the yarn and cloth manufactured by the family; all flax in possession of the family intended for the use thereof, and yarn or thread cloth manufactured therefrom.

*Fourthly.* All the wearing apparel and ornaments of the family and of the deceased, all the beds, bedsteads and bedding, cooking utensils and table ware necessary for the use of the family, one clock, one side saddle, and any other articles of personal property not to exceed one hundred dollars in value, which the widow, or if there be no widow, the guardian or next friend of such minor child or minor children, may select, to be valued by the appraisers.

SEC. 2. That the section one to which this is amendatory, be and the same is hereby repealed.

Section repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 12, 1868.

#### AN ACT

Supplementary to the act entitled an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and as amended March 31, 1853, passed March 29th, 1867. (Ohio Laws, vol. 64, page 80.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall be permitted to take advantage of any error committed in any proceeding to lay out, construct or improve any road under and by virtue of the act

No person shall take advantage of an error.

But court  
may revise  
action, etc.

Costs.

to which this is supplementary, or of the act entitled "an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said roads," passed April 5th, 1866, nor of any error committed by the county commissioners or by the county auditor, or by the engineer or surveyor, or other person or persons in the proceeding to lay out, construct or improve any such road, nor of any informality, error or defect appearing in the record of such proceeding, unless the party complaining is affected thereby. But the court in which any action is now pending, or may hereafter be brought to enjoin, reverse or declare void the proceedings by which any such road has been laid out, constructed or improved, or ordered to be laid out, constructed or improved, or to enjoin the collection of any tax or assessment levied or ordered to be levied, for the purposes aforesaid, or of either, may, if there be manifest error in such proceedings affecting the rights of the plaintiff in such action, set the same aside as to him without affecting the rights or liabilities of the other parties in interest. And the court shall, on the final hearing, make such order in the premises as may seem equitable and just, and may order the tax assessment levied against the plaintiff to remain on the duplicate for collection, or to be again levied in whole or in part, or may perpetually enjoin the same, or any part thereof. The costs of such action and of the proceedings had therein shall be apportioned among the parties or paid out of the county treasury in whole or in part, as justice may require and the court direct. This act shall govern actions or proceedings now pending so far as the same is applicable.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

Supplementary to the act entitled "an act to authorize county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 29, 1867. (Ohio Laws, vol. 64, page 80.)

Fees of county  
treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each county treasurer shall be entitled to receive fees at the rate of the seven-tenths of one per cent. on all money which has been or may hereafter be collected, on any special duplicate, or otherwise paid into the county treasury under the provisions of the act to which this is supplementary.

SEC. 2. This act shall be in force from its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

## AN ACT

To amend and supplementary to an act entitled "an act to provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties" passed April 5, 1867. (O. L., vol. 64, page 111.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine of the above recited act be so amended as to read as follows:

Section 9. It is hereby made the duty of the president or other officer in charge of each and every railroad company having a line of railroad in this state, to make an annual report to the commissioner for the year ending on the 30th day of June preceding, which report shall be verified by the oath or affirmation of such president or other officer in charge, and be filed in the office of the commissioner by the 1st day of September in each year, and shall state:

Officer of railroad company must make annual report.

## AS TO STOCK AND DEBTS.

- 1st. The amount of capital stock paid in.
- 2d. The amount of capital stock unpaid.
- 3d. The amount of funded debt.
- 4th. The amount of floating debt.

Contents of report.

## AS TO COST OF ROAD AND EQUIPMENT.

- 5th. Cost of construction.
- 6th. Cost of right of way.
- 7th. Cost of equipment.
- 8th. All other items embraced in cost of road and equipment not embraced in three preceding questions.
- Total cost of road and equipment to this date.

## AS TO CHARACTERISTICS OF THE ROAD, ETC.

- 9th. Length of single main track laid with iron.
- 10th. Length of double main track.
- 11th. Length of branches, stating whether they have single or double track.
- 12th. Aggregate length of sidings and other tracks not above enumerated.
- Total length of iron embraced in preceding heads.
- 13th. The maximum grade, with its length in main road, and also in branches.
- 14th. The shortest radius of curvature, with length of curve in main road, and also in branches.
- 15th. Total degrees of curvature in main road, and also in branches.
- 16th. Total length of straight line in main road, and also in branches.
- 17th. Number of wooden bridges, and aggregate length in feet.
- 18th. Number of iron bridges, and aggregate length in feet.
- 19th. Number of stone bridges, and aggregate length in feet.
- 20th. Number of wooden trestles, and aggregate length in feet.

Contents of  
report—Con-  
tinued.

- 21st. The greatest age of wooden bridges.
- 22d. The average age of wooden bridges.
- 23d. The greatest age of wooden trestles.
- 24th. The number and kind of new bridges built during the year, and length in feet.
- 25th. The length of road unfenced on either side, and the reason therefor.
- 26th. Number of engines.
- 27th. Number of passenger cars.
- 28th. Number of express and baggage cars.
- 29th. Number of freight cars.
- 30th. Number of other cars.
- 31st. The highest rate of speed allowed by express passenger trains when in motion.
- 32d. The highest rate of speed allowed by mail and accommodation trains when in motion.
- 33d. The highest rate of speed allowed by freight trains when in motion.
- 34th. The rate of fare for passengers charged for the respective classes per mile.
- 35th. The highest rate per ton per mile charged for the transportation of the various classes of freight, through and local.

DOINGS OF THE YEAR.

- 36th. The length of new iron laid during the year.
- 37th. The length of re-rolled iron laid during the year.
- 38th. The number of miles run by passenger trains.
- 39th. The number of miles run by freight trains.
- 40th. The number of passengers (all classes) carried in cars.
- 41st. The number of tons of through freight carried.
- 42d. The number of tons of local freight carried.

EARNINGS FOR THE YEAR.

- 43d. From transportation of passengers.
- 44th. From transportation of freight.
- 45th. From mail and express.
- 46th. From all other sources.
- Total earnings for the year.

EXPENDITURES FOR THE YEAR.

- 47th. For construction and new equipment.
- 48th. For maintenance of way and structures.
- 49th. For maintaining and operating motive power and cars.
- 50th. For transportation expenses, including those of stations and trains.
- 51st. For dividends, rate *per cent.*, and amount.
- 52d. All other expenditures, either for management of road, maintenance of way, motive power and cars, or for other purposes.
- Total expenditures during the year.
- 58th. The number and kind of farm animals killed, and amount of damages paid therefor.

59th. A statement of all casualties resulting in injuries to persons, and the extent and cause thereof, and such other and further information as may be required by the commissioner; but if any company shall be unable to furnish the required information, the reasons therefor shall be given. The commissioner shall prepare and furnish to each railroad company, or to each organization having one or more railroads in charge, and to each telegraph company or chief manager thereof in this state, or having lines in this state, blank forms for making the reports required by this act, which blanks may be so prepared by the commissioner as to obtain the information required by the foregoing inquiries more in detail, or omit such of a historical or permanent character as may have been given in previous reports.

Commissioner must furnish blanks, etc.

SEC. 2. Section twelve of said act shall be so amended as to read as follows:

Section 12. It shall be the duty of the commissioner aforesaid to make to the governor, on or before the first day of January of each year, a full and accurate report of the condition and affairs of all the railroad and telegraph companies having lines in this state; also of all accidents resulting in injuries to persons and the roads upon which they occurred, and the circumstances and cause thereof, and such other information, suggestions and recommendations as he may deem of advantage to the state. The governor shall cause 2000 copies of said report to be printed by the printer having the contract for this branch of the public printing, and lay the same before the general assembly in printed form; 600 copies of said report to be bound in muslin and suitably lettered on the back; 2 copies for the use of each member of the general assembly, and 200 copies for the commissioner, the remainder to be covered in brochure covers and distributed as follows: To the general assembly, 1000 copies; to the commissioner, 300 copies; and the balance to be deposited in the state library for the use and distribution by the librarian, according to law or the resolution of the general assembly.

Annual report of commissioner to governor

SEC. 3. The appointment of the clerk of the commissioner shall be evidenced by a certificate of the commissioner, and shall continue during the pleasure of the commissioner; and in the absence or disability of the commissioner, the clerk shall have power to issue subpœna for witnesses and administer oaths in all cases pertaining to the duties of the office.

Clerk of commissioner.

SEC. 4. Said original sections nine and twelve amended by this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Sections repealed.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

## AN ACT

To amend section six (6) of "an act to amend section sixty-nine (69) of an act entitled 'an act to provide for the organization of cities and incorporated villages,' passed May 3d, 1852, as amended March 25th 1862, and to repeal section one of the last named act; also further to define the duties of county treasurers, passed April 29, 1862." (O. L., vol. 59, p. 69.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six (6) of an act entitled "an act to amend section sixty-nine (69) of an act entitled 'an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, as amended by the act passed March 25, 1862;'" passed April 29, 1862, be amended so as to read as follows:

City treasurer to be elected—his duties, compensation, &c

Exception as to certain cities.

Compensation.

Section 6. The qualified voters of each city of the second class shall elect a city treasurer, who shall hold his office one year and until his successor is elected and qualified. The city treasurer of any city of the second class shall have such powers and perform such duties as are or may be provided by law or by any ordinance of the city not inconsistent therewith; provided that in cities of the second class located within the limits of townships in which by law the office of county treasurer is located, there shall not be elected a city treasurer, but the county treasurer shall be ex officio city treasurer of such city or cities. The city treasurer of any city of the second class shall be allowed as compensation for the disbursement of moneys other than school funds, coming into his hands under the provisions of this act, such sum as the city council may allow, not exceeding the following fees, to-wit:

On the first five thousand dollars, two per centum.

On the next five thousand dollars, one and one-half per centum.

On the next ten thousand dollars, one-half per centum.

And upon all sums in excess of the above amounts that may be disbursed by him in any one year, two-tenths of one per centum, payable by the city out of any fund in the city treasury not otherwise appropriated, and no other compensation shall be allowed county treasurers for services performed under this act.

SEC. 2. That section six of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.



## AN ACT

To enable co-tenants in common and co-parceners of any estate in lands, tenements or hereditaments, to compel an account for rents and profits, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That co-tenants, tenants in common and co-parceners in any estate in lands, tenements [or] hereditaments within this state, may by civil action recover from any co-tenant, tenant in common or co-parceners aforesaid, his, her or their full share of all rents and profits which may have been received by any such co-tenant or tenants, tenants in common or co-parceners from the estate aforesaid, according to the justice and equity of the case.

Co-tenants,  
&c., may re-  
cover share  
of rents, &c.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.

## AN ACT

Supplementary to the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852. (S. & C., vol. 2, p. 1493.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the road of any incorporated turnpike company shall pass through or terminate in any incorporated village, the council of such incorporated village shall have power, with the consent of such incorporated turnpike company, to make any improvement or repair of such road as shall be additional to the improvement or repair required by law of such incorporated turnpike company, and as in the discretion of said council may better adapt the said road to use as a street of said incorporated village; and the said council of said incorporated village shall have power to assess and collect a charge on the owners of any lots or lands, or on the lots or lands by or through which said road shall pass, for the purpose of defraying the expenses of any such improvement or repair; and any order or direction for any improvement or repair, and any assessment to defray the expenses thereof, which may from time to time be made by the council of such incorporated village, shall be made in like manner as if such road was a street of said incorporated village, and subject to all the provisions and restrictions which may apply to a street of said incorporated village, in acts of the general assembly providing for the improvement or repair of streets in incorporated villages.

Provision for  
repair, &c.,  
of roads ter-  
minating in  
village.

SEC. 2. This act shall take effect and be in force from its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.

## AN ACT

To provide for the perpetuation of boards of trustees, and the appointment of visitors of universities and colleges.

How benefits  
of this act  
may be se-  
cured.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of any university or college in this state, heretofore incorporated, and now under the patronage of four or more conferences or other religious bodies of any religious denomination, may accept the provisions of this act by resolution adopted at any regular meeting of said board of trustees and entered upon the record of their proceedings; and after the provisions of this act are so accepted, the said board of trustees shall in all respects be organized, constituted, regulated and perpetuated, pursuant to and under the provisions of this act; provided, however, that no right acquired by any such board of trustees or any such university or college, under its charter or other law of this state, shall, in any way, be affected by the provisions of this act.

Board of  
trustees, how  
organized,  
etc.

SEC. 2. At the first meeting of the board of trustees of any university or college described in the first section of this act, held or continued after this act takes effect, and after a vacancy in such board shall occur, if no vacancy now exists therein, said board shall fill such vacancy, or if more than one vacancy shall have occurred, then one of them, by appointing the president of the university or college, a trustee, and the president of such university or college shall, ex-officio, be a trustee perpetually thereafter; and said board of trustees shall also, at such meeting, divide their number, excluding the said president, and including all vacancies except the one he is so appointed to fill, into classes corresponding in number to the number of conferences or other religious bodies at the time patronizing such university or college, such classes to have in each an equal number of trustees, as near as may be; and said board of trustees shall assign one of such classes to each of the said conferences or other religious bodies; and thereafter each of the said conferences or other religious bodies, shall have the power to fill any and all vacancies in or which may occur in the class so assigned to it.

Term of office  
of trustees.

SEC. 3. That when said classes of trustees shall have been formed, as provided in section two, the term of office of one of the trustees in each of the said classes, to be selected by lot in open session of the board of trustees, shall expire each year, and the persons thereafter elected as trustees shall act as such for a term of years equal in number to the number of trustees in any class except as hereinafter provided; and vacancies which occur in any class of trustees otherwise than by the expiration of term of office, shall be filled only for the remainder of the term.

Increase of  
number of  
trustees.

SEC. 4. That if the number of the conferences or other religious bodies patronizing any university or college, such as is described in the first section of this act, and the board of trustees of which shall have been divided into classes as hereinbefore provided, shall be increased to not exceeding six, the board of trustees shall be enlarged to the extent of

one additional class of trustees for each of such additional conferences or other religious bodies, such additional classes to have in each a number of trustees equal to the number in any one of the former classes; and each of such additional conferences or other religious bodies shall have power to elect, as members of said board of trustees, the number in its class, one for one year, one for two years, and one for three years, and so on, to the extent of the number, and each of such additional conferences or other religious bodies shall have power to fill any and all vacancies in, or which may occur in its class.

SEC. 5. That if the number of such patronizing conferences or other religious bodies shall at any time exceed six, the representation of each shall be reduced by lot in open session of the board of trustees, to a class of three trustees, if they exceed that number, who shall thereafter be elected to serve as trustees for the term of six years, and in that case the term of office of one trustee in each class shall expire every second year.

Reduction of number of trustees.

SEC. 6. That any conference or other religious body not now known as patronizing any particular university or college, may become such patronizing conference or other religious body, by and with the consent of the conferences or other religious bodies at the time patronizing such university or college.

Accession of new conferences, etc.

SEC. 7. That each conference or other religious body patronizing any particular university or college, shall have power annually to appoint two visitors, who shall attend the meetings of the board of trustees of such university or college, and, with the trustees, shall constitute a joint board for the appointment and removal of all officers, professors and instructors of the university or college.

Board for appointment and removal.

SEC. 8. That if any conference or other religious body patronizing any university or college, and having a representation in its board of trustees, shall cease to exist, or shall cease to patronize such university or college, the right of such conference or other religious body to such representation shall cease, and the board of trustees of such university or college shall be thereby and to that extent reduced in numbers.

Seceding conferences, etc.

SEC. 9. That before any conference or other religious body not now represented in the board of trustees of any university or college, shall be entitled to be represented therein, and before any conference or other religious body now represented therein shall be deprived of such representation as provided for in section eight of this act, the said board of trustees shall declare and cause it to be entered in the record of their proceedings that the conditions and contingencies hereinbefore provided for in that behalf have taken place.

Record of proceedings in certain cases.

SEC. 10. That eleven trustees shall constitute a quorum of the board of trustees of any such university or college, whatever the number of trustees constituting the board of trustees may be or may become, provided that number be

Quorum of board.

more than twenty. If that number be twenty, or less, then a majority thereof may constitute a quorum.

SEC. 11. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

To amend an act entitled "an act to amend section 266 of the act entitled an act to establish a code of civil procedure, passed March 11, 1853;" passed April 13, 1867. (O. L. vol. 64, p. 138.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above entitled act be so amended as to read as follows:

Mode of conducting trials.

Section 266. When the jury has been sworn, the trial shall proceed in the following order, unless the court for special reasons otherwise direct:

1st—The plaintiff must briefly state his claim, and may briefly state the evidence by which he expects to sustain it.

2d—The defendant must then briefly state his defense, and may briefly state the evidence he expects to offer in support of it.

3d—The party who would be defeated if no evidence were offered on either side, must first produce his evidence; the adverse party will then produce his evidence.

4th—The parties shall then be confined to rebutting evidence, unless the court, for good reasons in the furtherance of justice, permits them to offer evidence in their original case.

5th—When the evidence is concluded, either party may request instruction to the jury on points of law, which shall be given or refused by the court, which instructions shall be reduced to writing if either party require it.

6th—The parties may then submit or argue the case to the jury. The party required first to produce his evidence shall have the opening and closing argument. If several defendants having separate defenses appear by different counsel, the court shall arrange their relative order.

Charge to jury, etc.

7th—The court, after the argument is concluded, shall immediately, and before proceeding with other business, charge the jury; which charge or any charge given after the conclusion of the argument, shall be reduced to writing by the court, if either party request it, before the argument to the jury is commenced; and such charge or charges, or any other charge or instruction provided for in this section, when so written and given, shall in no case be orally qualified, modified, or in any manner explained to the jury by the court; and all written charges and instructions shall be taken by

the jury in their retirement, and returned with their verdict into court, and shall remain on file with the papers of the case.

SEC. 2. That the above entitled act be, and the same is hereby repealed. Act repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives*  
J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

Supplementary to the act entitled "an act to authorize the corporation of Union Depots," passed April 3, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That any company organized under the act entitled "an act to authorize the incorporation of "Union Depots," passed April 3, 1868, shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, and may execute notes or bonds therefor, in sums not less than one hundred dollars, and execute a mortgage or trust deed upon its property then or thereafter acquired to secure the payment of the principal and interest; and the stockholders of such corporation are hereby authorized to guarantee the payment of the same, and such union corporation may dispose of such notes or bonds at such rate of premium or discount as the directors may deem best for its interests.

Company  
may borrow  
money, &c

SEC. 2. This act to be in force and take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

To provide for the incorporation of musical associations, or for the sale of musical works and sheet music or other books, periodicals, newspapers and stationery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That any number of persons, not less than five, may associate themselves together and become a body corporate for the purpose of encouraging and cultivating a taste for music, or for the sale of musical works, and sheet music or other books, periodicals, newspapers and stationery.

Who may be-  
come bodies  
corporate.

How organized, &c

SEC. 2. The persons so associating shall, under their hands and seals, make a certificate and acknowledge the same before a justice of the peace, in which shall be specified the name of the association, the object of its formation, and the county in which it shall be located, and shall record the same in the office of the recorder of such county; such association shall be deemed a body corporate and politic, with succession, and with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the corporation; to make and use a common seal, and the same to alter at pleasure, to elect such officers and make such rules and regulations, and do all needful acts that may be necessary to carry into effect the objects for which such association was created.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

Supplementary to an act "to provide for the election of an additional judge of the court of common pleas for the second subdivision of the fifth judicial district," passed May 6, 1868.

When original act shall take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act shall take effect and be in force from and after the first day of June, A. D., 1868.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

To authorize receivers of insolvent railroad companies to sell unfinished road-beds and franchises.

Sale of property, franchises, etc., of insolvent railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That real and personal property, road bed, rights of way, fixtures, and franchises of any insolvent railroad company in the state of Ohio, which now is or hereafter shall be in the hands of a receiver appointed by any court of competent jurisdiction, and which company shall not have completed any part of its road, and when no part of the same has been

conveyed by deed of trust or mortgage, may be sold at judicial sale, and the title thereto, with all the rights, liberties, faculties and franchises, shall pass by such sale and vest in the purchaser or purchasers thereof as fully as the same had been possessed, exercised and enjoyed by such company.

SEC. 2. Before any such sale shall be ordered, the receiver shall file in such court his petition therefor, in which he shall set forth the names of the creditors of such company, with the sums due to each as nearly as can be ascertained, a statement of its assets, exclusive of its road-bed, rights of way and franchises, and a pertinent description in general terms of the road-bed, rights of way and property so sought to be sold; and shall cause notice thereof to be published for six consecutive weeks in some newspaper printed and of general circulation in each of the counties into which and through which any part of such road-bed is situated, and any creditor shall, at any time before the distribution of the proceeds of such sale, have the right to appear and set up his claim by answer, and have the same determined by the court, if the same be omitted from or inaccurately stated in the petition.

Receiver  
must file  
petition, etc.

SEC. 3. That the court, on proof of the publication of such notice, and on being satisfied that such sale is necessary for the payment of the indebtedness of such company, shall order the sale of such road, road-bed, rights of way, property and franchises, upon such terms as to payment as the court may deem proper; and shall issue their order to such receiver, commanding him that he cause the same to be appraised by commissioners to be selected by the court, skilled in the construction and value of such road-beds as they may be called upon to appraise, having the qualifications of freeholders, not less than three in number, and consisting of at least one from each county in which any part of such road-bed is situated, and such proceedings shall be had under such order as is now provided by law in the sales of real estate made by order of court in other cases so far as the same may be applicable.

Order of sale  
by court.

SEC. 4. That before any such sale shall be made, notice thereof shall be given by publication in some newspaper published as aforesaid in each of the counties through which said road is located, and also in some newspaper published and of general circulation in each of the cities of New York and Cincinnati, for at least thirty (30) days prior to the day of sale; provided, that such sale shall not be made for less than two-thirds the appraised value thereof, unless upon the same having been twice offered and not sold, the court shall, in its discretion, order a re-appraisement.

Publication  
of notice.

SEC. 5. That upon such sale being made and reported to such court, the court being satisfied that the same has been fairly and properly conducted in all respects in accordance with the provisions of this act and of the order of the court granting the same, shall cause such sale to be confirmed, and shall order such receiver to execute and deliver to the purchaser or purchasers a deed of conveyance for the road, road-

Confirmation  
of sale.

beds, rights of way, real estate, fixtures and franchises so sold.

Disposition  
of proceeds.

SEC. 6. That the proceeds of such sale, after paying the costs and expenses thereof and the unpaid expenses of said trust against such company, shall be distributed *pro rata* among all the creditors of said company.

Who may  
purchase,  
etc.

SEC. 7. Any railroad corporation organized or existing under the laws of this state, may become the purchaser of such property; and any number of persons, not less than five, may become the purchasers of such road, road-bed, rights of way, property and franchises at such sale, and upon filing a transcript of the decree of corporation in the office of the secretary of state, shall become a corporation with perpetual succession, by such name as they may assume to themselves, under the general laws of this state regulating corporations, and shall hold the property, rights and franchises so purchased, free and discharged from all liability for the debts of said original corporation.

SEC. 8. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 14, 1868.

#### AN ACT

For the protection of railway passengers.

Horses, cat-  
tle, etc., must  
not be allow-  
ed upon rail-  
road track or  
enclosure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any owner or keeper of any horse, mule, ass, or any neat cattle, hogs, sheep or goats, to knowingly permit the same or any of them to enter any enclosure of any railroad in this state, or having entered any such enclosure to remain therein, or to lead or drive any such animal or animals within such enclosure, along or upon the track of any railroad in this state at any other place than the regular street or road crossing, farm crossing or way; and it shall be unlawful for any person to place within any such enclosure or upon such railroad track any feed, salt, or other inducement for any such animals to enter such enclosure or upon such track.

Penalty for  
violation.

SEC. 2. That for every violation of the first section of this act, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding ten dollars for the first offense, and not exceeding thirty dollars for each additional offense; provided, that each ten hours such animal or animals shall be knowingly permitted to remain in said enclosure or upon such track, shall be considered an additional offense, and the animal or animals so being upon said track or in such enclosure, shall not be



exempted from execution issued upon any judgment or decree for any such fine rendered in any court or before any justice of the peace, mayor or other officer having jurisdiction.

SEC. 3. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 14, 1868.

#### AN ACT

To amend section one of "an act to authorize certain cities of the first class to issue bonds to complete 'Eggleston Avenue Sewer,' and to levy a tax to pay the same," passed April 13, 1868. (O. L., vol. 65, page 86)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Section 1. That the city council of any city of the first class having a population exceeding one hundred and fifty thousand, shall have the power to issue the bonds of such city, in any sum not exceeding one hundred and fifty thousand dollars, to be used for the purpose of completing "Eggleston Avenue Sewer;" said bonds shall bear a rate of interest not exceeding seven and three tenths per centum per annum, and shall be sold at not less than par; said bonds shall be applied to "Eggleston Avenue Sewer."

Levy for  
completion  
of sewer.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 14, 1868.

#### AN ACT

To amend section five of "an act prescribing the rates of taxation for state, county, township, city and other purposes," passed April 30, 1862, as amended February 7, 1866. (Laws of Ohio, vol. 59, page 113, and vol. 63, page 7.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act prescribing the rates of taxation for state, county, township, city, and other purposes, passed April 30, 1862, as amended February 7, 1866, be so amended as to read as follows:

Section 5. There shall hereafter be levied annually, by the constituted authorities of each incorporated village and city

Levy for city  
and village  
purposes.

for village and city purposes, not including taxes for school and school-house purposes, nor for the payment of the interest and the principal of the debts of such village or city, in lieu of the taxes heretofore authorized by law, such rate of taxes as may be determined upon by said authorities respectively, and certified to the county auditor to be necessary, not exceeding the following rates, that is to say: For each incorporated village having a population less than twenty-five hundred inhabitants, two mills and three-tenths, and for sanitary and street cleaning purposes, one mill; for each incorporated village having a population over twenty-five hundred inhabitants, two mills and five-tenths, and for sanitary and street cleaning purposes, one mill; for each city of the second class, six mills, and for sanitary and street cleaning purposes, one mill; and in such cities of the second class using steam or other fire engines, or having graded wharfs or landings for the convenience of trade and travel on navigable waters, or graded, or macadamized or paved streets, or city cemeteries, any sum in addition thereto for keeping the same in repair, and for the support of the fire department, not exceeding one mill and a half; and when any such city has issued or shall issue bonds or other obligations for the purchase of steam fire engines, to pay the interest thereon, and provide for the payment of the principal, the further sum not exceeding one mill and a half; for each city of the first class, seven mills, and for sanitary and street cleaning purposes, one mill; and in all cities and incorporated villages in which gas works and fixtures or water works have been or may hereafter be erected, may make a further assessment of not exceeding one and one-half mills on the dollar, for aid in lighting and supplying with water such cities and incorporated villages; provided, that the aforesaid limitations shall not be construed as prohibiting assessments on property adjacent to local improvements made in any city or incorporated village, for the purpose of paying the costs thereof and the damages occasioned thereby, or prohibiting any tax authorized by law for special purposes; and all cities and incorporated villages are hereby empowered to anticipate the tax authorized to be levied for sanitary and street cleaning purposes, either by the temporary transfer of other funds (except school funds) or by temporary loans made for that purpose.

SEC. 2. That said section five, as amended February 7, 1866, be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

—for village purposes.

—for cities of second class.

—for gas works.

Proviso as to certain purposes.

Section repealed.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 14, 1868.

## AN ACT

To authorize the election of an additional judge of the court of common pleas in the second sub-division of the ninth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be an additional judge of the court of common pleas for the ninth judicial district of this state, who shall be a resident of the second sub-division of said district, composed of the counties of Trumbull, Mahoning and Portage, to be elected by the qualified electors of said counties as herein provided.

Additional  
judge in  
ninth dis-  
trict.

SEC. 2. That the first election of such additional judge shall be held at the next general election for state and county officers, to be held on the second Tuesday in October, A. D. 1868, in the same manner and for the same time as is now prescribed by law for the election of other judges of the court of common pleas, and such additional judge shall enter upon the discharge of his duties as soon after his election as he shall be qualified therefor.

His election.

SEC. 3. That such additional judge shall be qualified in the same manner, and shall have, in all respects, the same power and discharge the same duties as are conferred and enjoined by the constitution and laws of this state upon other judges of said courts, and he shall be entitled to receive the same salary as other judges of the court of common pleas.

Qualifica-  
tions, pow-  
ers and du-  
ties.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 14, 1868.

## AN ACT

To amend section twenty-one of the act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853. (S. & C. Stat., 1345.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-one of the act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, be amended so as to read as follows:

Section 21. Whenever, in the opinion of the board of education, it shall become necessary or desirable to provide one or more such central or high schools in their respective townships, the said board shall estimate the probable cost thereof, and call a special meeting of the qualified voters of the township, and who are not residents of any of the territory or districts named in the first section of this act, over which the jurisdiction of the township and local directors is excluded,

Proceedings  
in establish-  
ing central  
high school.

at the usual place of holding elections, first giving twenty day's notice of the time and object of holding such meeting, by posting the same in some public place in each of the several sub-districts of the township; in which notice the cost of providing such central or high school or schools as estimated by the board, shall be stated; and the electors, when convened in pursuance of such notice, shall decide by vote any questions which may be deemed important in relation to the cost and location of the building or buildings, or other provisions necessary for the establishment of any such school, and also the rate of township tax which may be levied each year thereafter, until the cost of providing such central or high school or schools shall be raised; and if a majority of the qualified voters at such meeting shall vote in favor of raising money by taxation for said purposes, and fix the rate to be levied each year thereafter until the actual cost of providing such central or high school or schools shall be raised, said board of education shall certify the same, annually, to the county auditor of the proper county, who shall place the same upon the tax duplicate in the same manner that other taxes certified by such board of education are required to be placed on such tax duplicate; and to enable such boards of education to anticipate the moneys to be raised by such taxation for said purposes, they are hereby authorized to borrow the sum of money necessary, and to issue bonds therefor, payable at the pleasure of said board after a certain day to be named therein, bearing interest, payable semi-annually; at a rate not exceeding eight per centum per annum, and the bond so issued by such board, shall be in such sums as the board may determine, be numbered consecutively, made payable to the bearer, bear date the day of the sale thereof, and be signed by such board officially, and the clerk of the board shall keep a record of the number, date, amount and rate of interest of each bond sold, and the name of the person to whom sold, and the time when payable; which record shall, at all reasonable times, be open to the inspection of the public, and said bonds shall in no case be sold for a less sum than their par value. The chairman and clerk of the board shall be chairman and clerk of the meeting, and the clerk shall record in the records of the board the action of the meeting, and the board shall be governed by the direction and vote of said meeting in relation to the subjects or matters so submitted.

Rate of levy.

Money may be borrowed.

Chairman and clerk.

Section repealed.

SEC. 2. That said original section twenty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 14, 1868.

## AN ACT

To amend section thirteen of an act entitled "An act prescribing the duties of directors, trustees, commissioners or other officer or officers to whom is confided the duty of devising and superintending the erection, alteration, addition to or improvement of any state institution, asylum or other improvement," passed April 3, 1868. (Vol. 65, O. L. 59.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirteen of the act entitled "an act prescribing the duties of directors, trustees, commissioners or other officer or officers to whom is confided the duty of devising and superintending the erection, alteration, addition to or improvement of any institution, asylum or other improvement," passed April 3, 1868, be amended so as to read as follows :

Section 13. This act shall take effect and be in force from and after its passage; provided, that nothing therein contained shall be so construed as to prevent the directors of the Ohio Penitentiary from erecting, repairing, adding to or improving any workshop or other structure that they may deem necessary, in such manner and upon such terms and conditions as they may direct; and provided further, that when the plans, descriptions, specifications and estimates of any state institution or asylum have been made and approved as provided in section (3) three of the act to which this is amendatory, and where the cost of making the same shall not exceed three thousand dollars, the trustees or other officers having the charge of and direction of such institution or asylum, shall have power to make contracts for making such improvements or alterations without receiving sealed proposals for the performance of the labor or furnishing materials therefor, or causing public notice to be given of the time and place where such sealed proposals will be received, as is required by said section three.

Proviso as to Penitentiary.

—as to all expenditures under three thousand dollars.

SEC. 2. That said section thirteen of said original act be and the same is hereby repealed.

Section repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 14, 1868.

## AN ACT

Supplementary to an act entitled "an act supplementary to 'an act to provide for the organization of cities and incorporated villages,'" passed April 5, 1866. (General Laws, vol. 63, page 22)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the city council of any city of the first class having a population of less than one hundred thousand and over twenty thousand at the last federal

Power of taxation in certain cases.

census, shall determine to grade, pave and improve any street, lane or alley, and provide for the same by ordinance, according to the provisions of the act to which this is supplementary, and whenever such improvement so to be made crosses, or intersects any other street, lane or alley, it shall be lawful for the city council of such municipal corporation to levy and assess a tax upon the general duplicate of all the real and personal property subject to taxation within the limits of said corporation, for the amount of the estimated cost of so much of such improvements as may be included and contained in the crossing or intersection of such streets, lanes or alleys, to be by the clerk of such municipal corporation duly certified to the auditor of the proper county, and by the auditor charged in said duplicate against said taxable property and collected as other taxes; and all taxes thus entered upon the duplicate of such county shall, upon collection thereof, be paid over to the treasurer of said corporation, and applied by the council thereof only for the purposes of such improvement.

SEC. 2. This act to be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 15, 1868.

#### AN ACT

To provide for the punishment of certain offenses therein named.

Penalty for  
taking, us-  
ing, &c.,  
horse, mule,  
&c., without  
leave.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall wrongfully take any horse, mare, gelding, foal or filly, ass or mule, from the stable, lot or pasture of another, or from a hitching rack or any other place, where any of the animals named as aforesaid have been lawfully placed, without the consent of the owner, with intent to injure, set at large, use or enable another to injure, set at large or wrongfully use the animal so taken, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding two hundred dollars, or be imprisoned in the county jail not exceeding ninety days, or both at the discretion of the court, and shall also be liable to the party injured in double the amount of damages sustained; and a failure to prosecute under this act shall not affect the right to proceed in a civil action for the recovery of damages.

Prosecutions  
by indict-  
ment.

SEC. 2. All prosecutions under this act shall be by indictment in the court of common pleas of the proper county; and this act shall be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 15, 1868.

## AN ACT

To amend section twenty-four of an act entitled "an act to regulate insurance companies," passed April 15, 1867. (O. L., vol. 64, p. 166.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-four of the above recited act be so amended as to read as follows:

Section 24. It shall not be lawful for any insurance company, association or partnership, organized or associated for any of the purposes specified in this act, incorporated by or organized under the laws of any other state of the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this state, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such company desiring to transact any such business, as aforesaid, by an agent or agents in this state, shall file with the auditor of state a written instrument, duly signed and sealed, authorizing any agent or agents of such company in this state to acknowledge service of process for and in behalf of such company in this state, consenting that service of process, mesne or final, upon any such agent or agents, shall be taken and held to be as valid as if served upon the company according to the laws of this or any other state, and waiving all claim or right of error by reason of such acknowledgment or service, and also waiving all claim or right to transfer or remove any cause then or thereafter pending in any of the courts of this state wherein such company may be a party to any of the courts of the United States; and also a certified copy of their charter, or deed of settlement, together with a statement under the oath of the president or vice president or other chief officer, and the secretary of the company for which he or they may act, stating the name of the company and the place where located; the amount of its capital, with a detailed statement of the facts and items as required from companies organized under the laws of this state, as per section nineteen; also, a copy of the last annual report, if any, made under any law of the state by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue.

Insurance by  
foreign com-  
panies.

Contents of  
certificate.

SEC. 2. This act shall take effect and be in force from and after the first day of January next.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 15, 1868.

## AN ACT

To amend section 447 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853. (Vol. 2, S. & C. Stat., page 1080.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and forty seven of the act entitled as aforesaid, be amended so as to read as follows :

Judgment  
lien.

Judgment to  
lose its pref-  
erence after  
one year, un-  
less, &c.

New ap-  
praisement,  
when  
allowed.

Section re-  
pealed.

Section 447. No judgment heretofore rendered, or which hereafter may be rendered, on which execution shall not have been taken out and levied before the expiration of one year next after its rendition, shall operate as a lien on the estate of any debtor to the prejudice of any other bona fide judgment creditor. But in all cases where judgment has been or may be rendered in the district or supreme court, and a special mandate awarded to the court of common pleas to carry the same into execution, the lien of the judgment creditor shall continue for one year after the first day of the term of the court of common pleas to which such mandate may be directed. Nothing in this section contained shall be construed to defeat the lien of any judgment creditor who shall fail to take out execution and cause a levy to be made as herein provided, when such failure shall be occasioned by appeal, proceedings in error, injunction or by a vacancy in the office of sheriff or coroner, or the inability of such officer, until one year after such inability shall be removed. In all cases where real estate has been or may hereafter be taken on execution and appraised, and twice advertised and offered for sale, and shall remain unsold for want of bidders, it shall be the duty of the court from which such execution issued, on motion of the plaintiff to set aside such appraisement and order a new one to be made, or to set aside such levy and appraisement, and award a new execution to issue, as the case may require; or where said real estate, or any part thereof, has been three times appraised as aforesaid, and thereafter twice advertised, offered for sale, and shall then remain unsold for want of bidders, the court may direct the amount for which the same shall be sold.

SEC. 2. That said original section four hundred and forty-seven be and the same is hereby repealed; provided, that such repeal shall not impair any rights acquired under said section.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 15, 1868.



## AN ACT

To prevent the use of the names "savings societies," "society for savings," "savings banks" and "banks for savings," by unauthorized parties. (Ohio Laws, vol. 64, page 184.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person, association of persons, body politic or corporate, shall use the name of "savings society" or "society for savings," "savings bank" or "bank for savings," upon any sign or card, or in any advertisement or business, for the purpose of procuring deposits, loans or pledges of money, unless such persons, or associations of persons, or corporation, shall have complied in all things with the provisions of the act entitled "an act to incorporate savings societies," passed April 16, 1867, such person or persons, or the person or persons forming such association or corporation, shall forfeit and pay the sum of five hundred dollars; and any corporation which shall offend against this act, shall, in addition, forfeit its charter.

Penalty for unlawful use of names, &c.

SEC. 2. That all prosecutions under this act shall be by indictment in the court of common pleas.

Prosecutions by indictment.

SEC. 3. That all fines and forfeitures incurred under this act shall be paid into the county treasury of the county where the wrong was committed.

SEC. 4. That this act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 15, 1868.

## AN ACT

To amend the twenty-ninth section of an act entitled an act for the incorporation of townships, passed March 14, 1853, as amended and took effect March 20, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-nine of an act entitled an act for the incorporation of townships, passed March 14, 1853, as amended and took effect March 20, 1866, be so amended as to read as follows :

Section. 29. That it shall be lawful for the trustees of any township in any county in this state to purchase, fence, protect and improve one or more cemeteries, not exceeding ten acres of land, for the use of said township, or to purchase the same or any part thereof within the grounds of any cemetery association, on such terms and conditions as may be agreed upon between said township trustees and the trustees of said cemetery association; and for the purpose of paying for such grounds, the township trustees aforesaid are hereby

Township trustees may purchase and improve cemetery grounds, &c.

Duties of  
coroner.

authorized to levy and assess upon the taxable property of such township, such a per centum as will raise any sum not exceeding two thousand dollars in any one year, until the whole of the purchase money, with the interest due thereon, shall have been paid; and also to levy and assess a tax, not exceeding one mill on the dollar of the taxable property of such township in any one year, to be applied to the fencing, protecting or improvement of the grounds as aforesaid, or any grounds for cemeteries or burial purposes that shall have been or may be set apart, appropriated or dedicated for such purposes. That it shall be the duty of the coroner of any county to bury such dead persons as he may hold an inquest upon, and who have left no means wherewith to pay the expenses of their burial, in the cemetery of that township where such inquest was held; and the necessary expenses of such burial shall be allowed and paid by the township trustees, and the coroner shall be allowed for his services under this section, by the trustees of the proper township, fifty cents for each person so buried.

Section re-  
pealed.

SEC. 2. This act shall take effect and be in force from and after its passage, and said section twenty-nine of the above entitled act as amended as aforesaid, be and the same is hereby repealed.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 14, 1868.

#### AN ACT

Supplementary to "an act providing for the punishment of crimes,"  
passed March 7th, A. D. 1835. (Swan & Critchfield, page 401 )

Penalty for  
inducing or  
allowing illi-  
cit inter-  
course, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall induce, decoy, entice, hire, engage, employ, or compel any female under eighteen years of age; or if any person or persons shall cause, by compulsion or otherwise, any female over eighteen years of age, against her will, to have illicit carnal intercourse with any person other than the person so inducing, decoying, enticing, hiring, engaging, employing or causing such female to have such illicit carnal intercourse; or if any person or persons shall knowingly permit or allow any other person to have illicit carnal intercourse with any female of good repute for chastity, at the house, residence, or upon the premises owned or controlled by such person or persons, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than five years.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 15, 1868.

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AN ACT

To authorize the board of public works to grant the right of way to the Friend street railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Friend street railroad company of the city of Columbus, Franklin county, Ohio, shall have the right, with the consent and approval of the board of public works, and subject to the laws in force providing for and regulating street railroads, to construct, operate and maintain a street railroad with its termini at the intersection of High and Friend streets in said city on the west, and at a point where the road leading to the county fair grounds intersects the national road on the east, its course to be from the point of its western terminus on said Friend street east along said Friend street to the east limits of said city, thence east along the national road to the point above indicated, a distance of about two miles; said street railroad to be built under the supervision of the board of public works and such engineer as such board may designate; and so far as the said street railroad shall be in the corporate limits of said city, the same shall be subject to any and all laws and ordinances of the same.

Board of public works to allow right of way to Friend street railroad, &c.

SEC. 2. This act to be in force from and after its passage, and to continue in force for twenty years from and after the first day of November, A. D. 1868.

Limit to twenty years

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9th, 1868.

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AN ACT

Supplementary to an act entitled an act for the enlargement of a culvert on the Miami and Erie canal, passed April 13th, 1867. (L. O., p. 140.)

WHEREAS, The board of public works did, under the provisions of the act to which this is supplementary, perform the work therein required at a cost exceeding the appropriation for that purpose of \$1,869.34, therefore,

Appropriation for deficiency.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the amount of one thousand eight hundred and sixty-nine dollars and thirty-four cents be and the same is hereby appropriated for the payment of said claim out of any funds in the treasury not otherwise appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 9th, 1868.

#### AN ACT

Supplementary to the act entitled "an act to authorize the board of public works to grant the right of way to the Friend street (Columbus) railroad company," passed May 9th, 1868.

Terms of occupancy, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works shall grant to the "Friend street railroad company," named in said act, a right to build and maintain its railroad upon the line and between the termini thereof, specified in the charter of said company, upon terms not less favorable to said company than are the existing terms granted by the city of Columbus to the Columbus street railroad company.

SEC. 2. This act shall take effect from its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of Senate.*

Passed May 14, 1868.

#### AN ACT

To amend section forty-five of the act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7, 1856. (S. & C. Stat., 840.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-five of the act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7, 1856, be amended so as to read as follows:

Laws applicable to guardians of idiots, &c.

Section 45. All laws relating to guardians for minors and their wards, and all laws pointing out the duties, rights and liabilities of such guardians and their sureties, in force for the time being, shall be applicable to guardians for idiots and lunatics and their children, so far as the same are in con-

formity to the provisions of this act; provided, that in the settlement of the accounts of such guardians, no voucher shall be received from or allowed as a credit to the guardian of any idiot or lunatic, which shall be signed or purport to be signed by such idiot or lunatic; and provided further, that any settlement of the account of any such guardian heretofore made, in which any such receipt shall have been allowed as credit to such guardian, shall be held and deemed absolutely null and void, and any settlement made by any such guardian shall at any time within two years after the appointment of another guardian, or after the disability of such ward may be removed, be opened up and reviewed on the motion of such newly appointed guardian or of any other interested person, notice of which motion shall be given by publication or otherwise, as the probate judge may direct.

SEC. 2. That said original section forty-five be and the same is hereby repealed. Section repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16th, 1868.

#### AN ACT

To amend original sections six and seven of the act entitled "an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852. (S. & C., 377.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That original sections six and seven of the act entitled "an act relating to the organization of courts of justice and their powers and duties," passed February 19, 1852, be amended so as to read as follows:

Section 6. The supreme court shall have power to prescribe such rules for the regulation of its practice, the reservation of all questions, and the transmission of cases from the district court or court of common pleas to the supreme court, and remanding the same, as may not be inconsistent with the laws of this state; provided, that all cases now or hereafter pending in said court, shall be taken up and disposed of in the order in which they are entered on the docket thereof; that all cases originally brought in or taken to said court, by error or otherwise, shall be entered on the docket thereof in the order in which they are commenced, received or filed; and that no case shall be taken up or disposed of out of its order on said docket, except cases where the person seeking relief has been convicted of murder in the first

Rules of  
practice, &c.,  
of supreme  
court.

Proviso as to  
order of  
business.

degree, or of a crime the punishment of which is confinement in the penitentiary, or where such party is imprisoned in the penitentiary, or proceedings in quo warranto, mandamus, procedendo or habeas corpus.

Arguments,  
oral and  
written.

Proviso as to  
constitu-  
tional ques-  
tions.

Section 7. In all cases pending in the supreme court, oral arguments shall be heard when either party shall request it; but the arguments of counsel may be transmitted to the court, in which case they shall be placed on file with the papers and read by the court in the investigation of the cause; provided, that in cases pending in said court, in which the constitutionality of any law of this state may be involved, the court shall, upon motion, allow counsel, not exceeding two in number, in addition to the counsel engaged by the parties in such cause, to be heard either orally or in writing, as such counsel may choose, in favor of the constitutionality of such law, where such counsel shall state professionally that they have been employed for such purpose.

SEC. 2. That said original sections six and seven be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

To amend an act ceding to the United States of America the jurisdiction over certain lands and their appurtenances of the national asylum for disabled volunteer soldiers, and exempting the same from taxation, passed April 13th, 1867. (Vol. 64, pages 149 and 150.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one after the preamble in said recited act, read as follows:

Jurisdiction  
of certain  
lands ceded  
to U. S.

Proviso as  
to service of  
legal process  
—and as to  
voting.

Section 1. That jurisdiction of the lands and their appurtenances, which may be acquired by donation or purchase by the managers of the national asylum for disabled volunteer soldiers within the state of Ohio, for the uses and purposes of the said asylum, be and is hereby ceded to the United States of America; provided, however, that all civil or criminal process issued under the authority of the state of Ohio or any officer thereof, may be executed on said lands and in the buildings which may be located thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid; and the officers, employes and inmates of said asylum who are qualified voters of this state, by complying with the requirements of the laws that now are in operation or that hereafter may be enacted regulating state, county and township elections in this state, shall have the right of suffrage at all township, county and state elections in the township in which the said national asylum shall be located.

SEC. 2. That the said original section one, passed April 13th, 1867, is hereby repealed. Section repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

To amend section two (2) of an act entitled an act to amend sections one and two of an act entitled an act for the protection of certain birds and game, passed April 3d, 1867. (Vol. 64, page 101-2.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two (2) of the above mentioned act be so amended as to read as follows :

Section 2. It shall be unlawful for any person at any time between the first day of February and the first day of October, to catch, kill, injure or destroy, or pursue with such intent, any meadow lark or killdeer, or at any time between the first day of February and the fourth day of July, to catch, kill or injure, or pursue with such intent, any woodcock, or at any time between the 15th day of April and the first day of September, to catch, kill or injure, or pursue with such intent, any wild duck, teal or other wild duck, or to purchase or to have in his possession, or expose for sale any of the birds or game mentioned in this act, caught or killed during the season when the catching, killing, injuring or destroying the same is hereby prohibited.

When it shall be unlawful to kill game, &c.

SEC. 3. [2.] That the exposing for sale of birds and game prohibited by this act, killed or caught during the time specified by this act, shall be prima facie evidence that such game or birds were killed or caught unlawfully within the state of Ohio.

Offering to sell, prima facie evidence of guilt.

SEC. 4. [3.] That section two (2) of an act entitled an act to amend sections one and two of an act entitled an act for the protection of certain birds and game, passed April 30, 1861, as amended March 16, 1865, passed April 3, 1867, be and the same is hereby repealed.

Section repealed.

SEC. 5. [4.] This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

## AN ACT

To amend an act entitled an act to amend an act to provide a bounty for veteran volunteers, passed March 7, 1867. (O. L., vol. 64, page 35.)

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows :

Commissioners, trustees, &c., may issue bonds to veteran volunteers.

Provision for mistakes, &c.

Auditor to issue warrants.

Cases where bounty has been partially paid.

Adjutant general to apportion credits to districts.

Section 1. That the commissioners of the several counties, the trustees of the several townships, and city councils of the several cities of this state, are hereby authorized and required to issue to each re-enlisted veteran volunteer, who has heretofore been credited, as shown by the muster and description rolls upon the quota of such county, township, or city or any ward of such city, under any requisition of the president of the United States for volunteers during the late rebellion, and who has not received any local bounty upon said re-enlistment, a bond for the sum of one hundred dollars, bearing six per cent. interest, redeemable at the pleasure of such commissioners, trustees or city councils, one year after the date thereof; and where such re-enlisted veteran volunteer has not been credited upon the quota of any county, township or city in this state, but has been credited upon the quota of the state at large, or has been so indefinitely credited as that the credit would only pass to the state, or from any mistake or informality shall not have been passed any where, or been credited at all as shown upon the muster and description rolls, then the auditor of state is hereby authorized and required, upon proper evidence, to issue his warrant upon the state treasury, to such re-enlisted veteran volunteer, for the sum of one hundred dollars, which shall be paid by the treasurer of state out of any funds in the treasury not otherwise appropriated; and in all cases where such re-enlisted veteran volunteer has received a bounty of a less sum than one hundred dollars, on such re-enlistment, then it shall be the duty of the state auditor, county commissioners, township trustees or city council, as the case may be, to issue a warrant or certificate, as above specified, to such volunteer, for the difference between the amount already received and one hundred dollars. To determine the number of those credited to congressional districts, that properly belong to each county of the district, the adjutant-general is hereby required to apportion among the several counties of each district the number so assigned in proportion to population, and notify the county commissioners of the number assigned to their several counties. The commissioners shall then proceed, as required in this section; provided, that any county having previously paid the bounty to any veteran volunteer, credited to their congressional district, shall deduct the amount so paid from the amount to be levied on said county; provided, however, when the muster and description rolls were not received by the adjutant general in time for the credit therein shown to be applied upon any quota, then the auditor of state shall issue his warrant on the state treasurer in favor of such veteran soldier, as in the case of credits to the state at large.



SEC. 2. That section one of the above recited act, to which this is an amendment, be and the same is hereby repealed Section repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

To repeal an act entitled "an act to prohibit the trafficking with persons engaged in armed rebellion against the government of the United States," passed May 1, 1862. (See Ohio Laws, vol. 59, page 80.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "an act to prohibit trafficking with persons engaged in armed rebellion against the government of the United States," passed May 1, 1862, be and the same is hereby repealed. Act repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

To amend section five of the act entitled "an act to relieve district courts and to give greater efficiency to the judicial system of the state," passed April 12, 1858. (S. & C. Stat. 1157.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five of the act entitled "an act to relieve district courts and to give greater efficiency to the judicial system of the state," passed April 12, 1858, be amended so as to read as follows :

Section 5. Appeals may be taken from final judgments, orders and decrees in civil actions, in which the parties have not the right by law to demand a trial by jury, and from interlocutory orders dissolving injunctions rendered by any court of common pleas, or any judge thereof, in any case in which such court of common pleas has original jurisdiction, by any party against whom such judgment or order shall be rendered, or who may be affected thereby, to the district court; and the action so appealed shall be again tried, heard

In what cases and from what courts appeals may be taken.

and decided in the district court, in the same manner as though such district court had original jurisdiction of the action.

Section re-  
pealed.

SEC. 2. That said section five be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

Authorizing trustees of cemetery associations to sell and transfer by deed of trust such lands as they hold in trust, to township trustees and the council of incorporated villages.

Trustees may  
sell and con-  
vey lands by  
deed of trust,  
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the trustees of any cemetery association, which is now or may hereafter be incorporated in conformity with an act entitled "an act making provisions for the incorporation of cemetery associations," passed February 24th, 1848, and any acts supplementary or amendatory thereto, to sell and convey by deed of trust, for cemetery purposes, any tract of land or lots, not exceeding thirty (30) acres, belonging to such cemetery association, to the township trustees and town council of any incorporated village, for the purpose of organizing and conducting a cemetery, under the provisions of an act entitled "an act to enable townships and incorporated villages to establish cemeteries common to both," passed March 17th, 1860 (57 vol. Stat. 44; S. & C., vol. 2, page 1563); provided, that the purchase-money agreed upon between the trustees of such cemetery association and the trustees of such township and the council of any incorporated village, shall be applied by the council of such incorporated village for the payment of the legal liabilities incurred by the trustees of such cemetery associations in the purchase of the land, its embellishment, and other necessary improvements on said lands, and for the further embellishment and improvement of such lands; and it is further provided, that the rights of lot owners heretofore purchased shall not be questioned, nor their title to such lots, and that such lot owners shall continue to hold and occupy such lots, under such rules and regulations as may hereafter be adopted for the government and regulation of such cemetery, by the authorities making such purchase.

Money, how  
applied.

SEC. 2. This act to take effect on and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

## AN ACT

To amend section four (4) of an act entitled "an act to enable townships and incorporated villages to establish cemeteries common to both," passed and took effect March 17, 1860. (57 vol., Stat. 44; S. & C. R. S., p. 1563.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the above recited act be so amended as to read as follows:

Section 4. In the establishment of cemeteries under this act, any township or incorporated village may make use of any cemetery which may or shall be held by such township or village, provided it is situated outside of the corporate limits of any incorporated village, and may make use of any land which such township or village may have acquired by gift or devise for burial purposes; and they may purchase of the trustees of any cemetery association incorporated under the existing laws, the lands, lots and improvements of such cemetery associations that are now unsold; provided, that the purchase money which may be agreed upon between the township trustees and the town council of any incorporated village, and the trustees of such cemetery association, shall be appropriated and applied to the payment of the legal debts of said association, and to the embellishment and preservation of the land purchased, and the township trustees and the council of incorporated villages shall not acquire to exceed thirty acres of land, cemetery and burial grounds, in the manner herein prescribed. Any funds which are in the treasury of such township or village applicable to cemetery purposes, may be by said trustees or village council applied to the establishment and improvement, and care of cemeteries created under this act, as if such funds were the proceeds of sales of burial lots therein.

Old cemetery grounds may be used, purchased, &c.

Purchase money, how used, &c.

SEC. 2. That section four (4) of the act to which this act is amendatory, be and the same is hereby repealed.

Section repealed.

SEC. 3. That this act shall take effect on and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

## AN ACT

To amend section 201 of the "act to establish a code of civil procedure," passed March 11, 1853. (S. & C., vol. 2, p. 940.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two hundred and one of the above recited act be so amended as to read as follows:

Section 201. The copy of the order and notice shall be served upon the garnishee as follows: If he be a person, they shall be served upon him personally, or left at his usual place

Order of attachment, how and on whom served.

—as to rail-  
road com-  
panies.

of residence; if a corporation, they shall be left with the president or other principal officer, or the secretary, cashier or managing agent thereof; and if such corporation be a railroad company, such copy of the order and notice may be left with any regular ticket or freight agent of said company in any county in which said railroad may be located.

SEC. 2. That said section two hundred and one of the above recited act be hereby repealed, and this act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

Making appropriations to pay soldiers' claims for local bounties, and clerks in the auditor's office, and necessary expenses in carrying out the provisions of the insurance laws; and the per diem of the members and officers of the General Assembly, and to transfer certain funds therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the appropriations heretofore made, there is hereby appropriated out of the general revenue fund of the state, the following sums:

For soldiers'  
claims.

To pay soldiers' claims for local bounties already allowed, the sum of four thousand seven hundred and seventy-five dollars.

Clerks in  
auditor's  
office.

To pay clerks in the office of the auditor of state, and the necessary expenses of carrying out the provisions of the several insurance laws of this state, the sum of three thousand four hundred dollars.

Per diem of  
members, &c.

To pay members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, assistant sergeants-at-arms, and messengers, under resolutions of the senate and house and the laws, ten thousand dollars; and for the payment of expenses of legislative committees, one thousand dollars.

Boilers for  
C. O. L. Asy-  
lum.

SEC. 2. For two new boilers for the central Ohio lunatic asylum, and for setting the same, and all the necessary apparatus thereto, four thousand dollars; said boilers to be each twenty-four feet long, four feet in diameter, with double flues eighteen inches in diameter; the iron of said boilers and flues to be of the best charcoal iron, one-fourth inch in thickness; and the furnishing of said boilers and necessary apparatus thereto, and the setting of the same, except such work as can be done by the inmates of said asylum, to be let by the trustees of said asylum, to the lowest responsible bidder, of which letting notice shall be given for six days, consecutively, in the daily papers in the city of Columbus; plans and specifications of said work to be prepared under the direction of said trustees before the letting.

SEC. 3. That fifteen hundred dollars of the thirty-nine hundred dollars to pay clerks in the office of the comptroller of the treasury, and five hundred dollars of the one thousand dollars to pay the necessary contingent expenses of said office, appropriated by section one of an act "making appropriations for the year 1868, and the first quarter of the year 1869," passed April 30, 1868, are hereby transferred to the general revenue fund.

Transfer of  
certain  
funds.

SEC. 4. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

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#### AN ACT

To prevent trespasses upon lands belonging to the state of Ohio, and further to prescribe the duties of the superintendent of the state house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall, without authority, enter upon any land belonging to the state of Ohio, or held in trust by the state, and cut down any standing timber, or shall remove therefrom any stone or timber, the same being the property of the state, shall be deemed guilty of a misdemeanor, and every person so offending shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars, and be imprisoned in the jail of the proper county, any time not exceeding ten days.

Penalty for  
trespass on  
state lands.

SEC. 2. It is hereby made the duty of the superintendent of the state house to take possession and control of the tract of land belonging to the state, situate near Columbus, known as the "stone quarry tract," upon which is the soldiers' home, and to enforce the provisions of the first section of this act against all persons who shall offend against the same.

Duty of  
superintend-  
ent of state  
house.

SEC. 3. All prosecutions under the provisions of this act, shall be by indictment in the court of common pleas of the proper county.

Prosecutions  
by indict-  
ment.

SEC. 4. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

## AN ACT

Amendatory and supplementary to "an act to authorize county commissioners to lay out and establish free turnpike roads," passed April 15, 1867. (L. O., vol. 64, p. 171.)

Levy of extra  
taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of an act entitled "an act to authorize county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named," passed April 15, 1867, be so amended as to read as follows:

Section 6. That for the purpose of constructing free turnpike roads, authorized by this act, extra taxes may be levied, as hereinafter provided, on all property, real and personal, within one mile on each side of said free turnpike road, except when any such free turnpike road, which has been macadamized or graveled, shall cross a free turnpike road which is either completed or in process of construction; then such lands and personal property as lie within one half mile on either side of where such free turnpike roads cross each other, shall be assessed and taxed in proportion to the benefit that may be derived by the owners of such lands and personal property from the construction and use of such free turnpike road, except when any state, county or free turnpike road shall run upon either side of such road within less than two miles, then the taxes shall be levied only on such lands and personal property as lie within one half of the distance of such macadamized roads as run parallel to said road.

Issue of  
bonds.

SEC. 2. That the commissioners of any free turnpike road, whenever they shall deem it necessary for the purpose of constructing a free turnpike road, are hereby authorized to issue bonds payable in installments or at intervals not exceeding in all the period of five years, bearing interest not exceeding seven per centum per annum, payable semi-annually, which bonds shall not be sold for less than par, and the extra taxes levied under the provisions of this act shall be divided in such manner as to meet the payment of the interest and principal of said bonds, and the said taxes shall be placed upon the tax duplicate of the county for collection, in the same manner as other taxes, and when collected the money arising therefrom shall be applied to no other purpose than the payment of such bonds.

Section  
repealed.

SEC. 3. That section six of the act to which this is amendatory and supplementary be and the same is hereby repealed, but this repeal shall not affect rights already acquired.

SEC. 4. This act shall take effect from and after its passage, and shall apply so far as applicable to any free turnpike already authorized to be constructed.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 16, 1868.

# LOCAL AND SPECIAL ACTS.

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## AN ACT

To authorize the commissioners of Monroe county to build a court house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Monroe county be and they are hereby authorized and required to erect a court house, with suitable fire proof public offices, on town lots numbered twenty (20) and twenty-one (21) in the town of Woodsfield, being the county seat of said county; the first of said lots being that on which the former court house stood, and the other adjoining it, and being also the property of said county.

SEC. 2. To enable said commissioners to carry into effect the provisions of this act, they are authorized to raise by taxation whatever sum may be needed for said purpose, not to exceed thirty thousand dollars, by levies not exceeding ten thousand dollars in any one year, and to issue the bonds of the county bearing a rate of interest not exceeding six per centum per annum.

SEC. 3. Before determining upon a plan for said building, said commissioners may personally examine similar structures anywhere in the state; and they shall call to their assistance a competent architect or engineer to prepare drafts and specifications of the plan determined upon; and the erection of said building may be done either under their own supervision or that of a superintendent to be appointed by them and subject to their control, in accordance with the plan determined upon by them; provided, that not more than five hundred dollars shall be expended by said commissioners in making such personal examination of similar structures.

SEC. 4. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

January 27, 1868.

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## AN ACT

To transfer certain funds therein named to the township school fund of Cross Creek township, Jefferson county, Ohio

WHEREAS, The township of Cross Creek, Jefferson county, Ohio, has fully paid the amount of the bonds, with interest due, on their subscription of stock to the Steubenville and Indiana Railroad Company, and that there remains in the treasury of said township an unappropriated surplus belonging to said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Cross Creek township, Jefferson county, be and they

the trustees of the townships of Springfield, Newton, Clay and Brush Creek, and the city council of the city of Zanesville are hereby authorized to donate to said commissioners, to aid in the construction of said first named bridge, any sum not exceeding one mill on the dollar on the taxable property of said townships and said city in any one year; and the trustees of the townships of Falls, Muskingum, Jackson, Cass and Licking, and the city council of the said city of Zanesville, are hereby authorized to donate to said commissioners, to aid in the construction of said second bridge named as aforesaid, any sum not exceeding one mill on the dollar on the taxable property of said townships and said city in any one year, which said several sums so donated by the trustees of said townships and city council of said city shall be levied and collected in the same manner as other taxes are levied and collected.

SEC. 4. That the said commissioners shall have power to borrow such sums of money as, added to the donations which may be made as aforesaid, may be necessary to complete the construction of said bridges, and to issue the bonds of said county for the payment thereof, dollar for dollar, which said bonds shall be payable in such sums and at such times, not exceeding ten years, as said commissioners may determine, and bear a rate of interest not exceeding six per cent. per annum, payable semi-annually.

SEC. 5. That to pay the interest on said bonds as the same shall accrue, and the principal of the said bonds as the same shall mature, the said commissioners are hereby authorized and empowered to levy a tax on all the taxable property on the tax duplicate of said county, not exceeding the sum of one and one-half mills on the dollar in any one year.

SEC. 6. Before determining upon a plan or the material for the construction of said bridges, said commissioners may, if they deem it expedient so to do, personally examine similar structures anywhere in this state, and they may also call to their aid a competent engineer to furnish plans and prepare drafts and specifications for the same, and the work of building said bridges may be done either under the supervision of said commissioners, or such engineer to be appointed by them, and subject to their orders, as they may select.

SEC. 7. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed February 24, 1868.

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#### AN ACT

To authorize the town council of West Liberty, in Logan county, to borrow money for building a town hall and other buildings.

WHEREAS, The qualified voters of said incorporated village did, at their April election in 1867, by a large majority of votes cast at said election, authorize the levy and collection of a tax upon the property of said village, for the erection of the public buildings hereinafter named, therefore,



**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of West Liberty, in Logan county, are hereby authorized to borrow a sum of money not exceeding four thousand dollars, and for such time or times, not exceeding four years, as said council may deem best, for the purpose of building a town hall, mayor's office, engine room, fireman's hall and village prison, within and for said incorporated village.

**SEC. 2.** For the purpose aforesaid, the said town council are hereby authorized to issue bonds of said incorporated village, in such sums respectively as they may deem best, to bear interest not exceeding six per cent. per annum.

**SEC. 3.** For the purpose of paying said bonds, with the interest, as the same become due, a tax of sufficient amount, upon all the property subject to taxation in said incorporated village, shall be levied and collected each year, in the same manner as prescribed in an act to authorize the erection, improving, enlarging or constructing additions to town halls, passed April 2, 1866. (L. 63, page 84.)

**SEC. 4.** This act shall take effect and be in force from and after its passage.

**JOHN F. FOLLETT,**

*Speaker of the House of Representatives.*

**T. J. GODFREY,**

*President pro tem. of the Senate.*

Passed Feb. 26, 1868.

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#### AN ACT

To authorize the commissioners of Franklin county to levy a tax for the purpose of constructing a bridge across the Scioto river, at such point as the commissioners may designate between the national road bridge, at Broad street, and the bridge over said river on the Columbus and Harrisburg turnpike.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Franklin county be and they are hereby authorized to levy a tax of not exceeding one mill on the dollar on the total valuation of the taxable property of said county for the year 1868, for the purpose of constructing a bridge across the Scioto river; said bridge shall be erected across said river at such point as the commissioners may designate between the national road bridge at Broad street and the bridge over said river on the Columbus and Harrisburg turnpike.

**SEC. 2.** That the commissioners be and they are hereby authorized to borrow a sum of money not exceeding one half of the amount that may be collected from said tax, at a rate of interest not exceeding six per cent. per annum, which loan shall not be made for a longer time than one year, and that said money so borrowed shall be applied to the construction of said bridge.

**SEC. 3.** That all contracts for the construction of said bridge shall be let to the lowest and best bidders, after lawful public notice given by the commissioners, and that bonds shall be given satisfactory to the commissioners for the faithful performance of the contract.

**SEC. 4.** This act shall take effect on its passage.

**JOHN F. FOLLETT,**

*Speaker of the House of Representatives.*

**T. J. GODFREY,**

*President pro tem. of the Senate.*

March 13, 1868.

## AN ACT

To authorize the commissioners of Montgomery county to build a bridge over the Great Miami river at a point known as Miller's ford, about two miles southwest of the city of Dayton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be and they are hereby authorized and empowered to build a bridge over the Great Miami river, at a point southwest of the city of Dayton, known as Miller's ford, in Van Buren township in said county, and to expend in the construction of said bridge any amount not exceeding twenty thousand dollars.

SEC. 2. That, to defray the expenses of the construction of said bridge, the commissioners of said county are authorized to levy, for the years 1868 and 1869, in addition to the levy now authorized by law for bridge purposes, a tax not exceeding in each year one half ( $\frac{1}{2}$ ) mill on the dollar valuation on the grand duplicate. Said tax to be collected as all other taxes are by law authorized to be collected.

SEC. 3. That in anticipation of said tax said commissioners may, in their discretion, issue the bonds of said county in such sums as they may deem proper not to exceed the amount of twenty thousand dollars, at an interest not exceeding six per cent., made payable in one and two years from date, and dispose of the same at not less than their par value, and appropriate the proceeds to the construction of said bridge, said bonds and the interest thereon to be paid from the proceeds of the tax thus anticipated.

SEC. 4. This act to be in force from and after its passage.

JOHN F. FOLLETT.

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed March 13, 1868.

## AN ACT

To authorize the trustees of Harrison township, Preble county, to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Harrison township, Preble county, be and they are hereby authorized to levy a tax not exceeding fifteen hundred dollars on all the taxable property within the limits of said township, to assist in building a bridge across Twin Creek where the state road leading from Lewisburg, in Preble county, to Ithaca, in Darke county, crossing said Twin Creek near the town of Euphemia; and said trustees shall certify the amount not exceeding fifteen hundred dollars to the county auditor, who shall place the same on the tax duplicate for said township, to be collected as other taxes are collected, and paid to the proper township officers to be expended for the purpose for which it was created.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed March 13, 1868.

## AN ACT

Authorizing the commissioners of Franklin county to levy a tax to purchase additional grounds for the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Franklin county be and they are hereby authorized to levy, on the grand duplicate of said county, at their June session for the years 1868, 1869 and 1870, a sum sufficient, not exceeding one-half mill for each of said years on the dollar of the taxable property in said county, for the purchase and improvement of additional grounds to the present site of the Franklin county agricultural society.

SEC. 2. It shall be duty of the board of directors of said agricultural society to certify to the county auditor, on or before the first Monday in June in each of the above years, the amount necessary to be expended during the current year for such purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount so certified shall, by said auditor, be placed on the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer as aforesaid in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient surety, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds and improvements, purchased and made as aforesaid, and all grounds owned by said agricultural society as sites whereon to hold their fairs, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society be dissolved or cease to exist, all of said grounds and improvements so owned by such society, shall vest in fee in said county of Franklin.

SEC. 5. No officer of said agricultural society shall charge or receive any compensation for services as such officer.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed March 13, 1868.

## AN ACT

To authorize the board of education of special school district No. 2, Columbia township, Hamilton county, to borrow money to purchase a site and build a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district No. 2, Columbia township, Hamilton county, are hereby authorized to borrow a sum of money not exceeding ten thousand dollars, for the purpose of purchasing site and building a school house in said school district.

SEC. 2. And for the purpose aforesaid, the said board of education are hereby authorized and empowered to issue bonds, which shall not be sold at less than their par value, and in sums not less than fifty (50) dollars each, signed by the president and secretary of said board, for the amount of money so borrowed, the principal and interest to be made payable at such times and in such proportions as said board of education may stipulate therein, bearing interest at a rate of not exceeding eight (8) per cent. per annum.

SEC. 3. The said board of education are hereby empowered to levy a tax, annually, on all taxable property of said school district, for such length of time as it may be necessary in order to pay off such debt and accumulating interest thereon.

SEC. 4. All money collected by taxation, as stated in the foregoing section, shall be applied to the liquidation of said bonds and the interest, and for no other purpose.

SEC. 5. This act shall be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 19, 1868.

#### AN ACT

To extend the time for payment of school lands in the several townships of Defiance county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the day the respective installments become due, be and the same is hereby given to the purchasers of lands in school section number sixteen in the several townships in Defiance county, Ohio, for the payment of the principal of the purchase money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and, provided further, that the auditor of said county may, at any time, require additional security for the payment of the principal and interest, if, in his opinion, the public interest may require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 19, 1868.

## AN ACT

To authorize the council of the incorporated village of Malta, in the county of Morgan, in the state of Ohio, to borrow money and to assess and collect a tax for the purpose of constructing and repairing public wharves and landing places within said village, of purchasing the ground therefor, and of improving and protecting the bank of the Muskingum river at said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Malta, in the county of Morgan, in the state of Ohio, is hereby authorized to borrow money, not to exceed three thousand dollars, at a rate of interest not to exceed the rate allowed by law at the time of borrowing the same, for the purpose of constructing and repairing public wharves and landing places within said village, of purchasing the ground therefor, and of improving and protecting the bank of the Muskingum river at said village.

SEC. 2. That for the purpose of raising said money, said council is hereby authorized to issue the bonds of said village to the amount of three thousand dollars, in sums of not less than fifty nor more than five hundred dollars, bearing interest at no greater rate than at the time of such issue shall be allowed by law, the interest to be payable semi-annually, and said bonds to be redeemable at the pleasure of said village council within five years after the passage of this act.

SEC. 3. That for the redemption of said bonds, when the same or any part thereof shall become due with the accruing interest, said village council shall have the power and is hereby authorized to levy on all taxable property within said village of Malta, such amount of money, annually, as will pay the interest on said bonds, and the principal thereof when due, or they may respectively become due and payable, which tax shall be placed upon the tax duplicate of said county by the auditor thereof and collected as other taxes levied by said village council, which said amount so levied, shall be in addition to the sum now allowed by law to be levied by such villages.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 20, 1868.

## AN ACT

To authorize the trustees of Xenia township, Greene county, to levy a tax to pay money borrowed by certain citizens of said township for the purpose of procuring volunteers to fill the quota of the township under the call of the president of the United States, of December 19, 1864.

WHEREAS, At a meeting of the citizens of Xenia township, Greene county, Robert Stevenson, J. N. Job, E. U. Bell, John F. Eyler, R. N. King and T. R. Little, were appointed a committee to procure volunteers to fill the quota of said township, under said call of the president for troops, and to raise by subscription or otherwise, the funds necessary to that end; and,

WHEREAS, The persons above named, acting as such committee, bor-

rowed the sum of \$3,750 for the purpose of paying bounties to volunteers to fill the quota of said township under said call; and,

WHEREAS, The persons above named expended the said sum of \$3,750 together with funds derived from subscriptions in the payment of bounties to volunteers to fill the quota of said township under said call; and,

WHEREAS, The persons above named are personally responsible for said sum of money and the interest thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Xenia township, Greene county, be and they are hereby authorized to levy upon the taxable property of said township, not including that part embraced within the corporate limits of the city of Xenia, for the year 1868, a tax sufficient to pay said Robert Stevenson, J. N. Job, E. U. Bell, John F. Eyler, R. N. King and T. R. Little, the said sum of \$3,750, for money advanced by them on the authority of a public meeting of the citizens of said township, to pay bounties to said volunteers to clear said township from draft, under said call of the president for troops; also the interest thereon from the day of February, A. D., 1865.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 20, 1868.

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#### AN ACT

For the relief of the sufferers from the casualty at Earnest Station Bridge, in Hamilton county, on the ninth day of September, 1867.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hamilton be authorized to appropriate from the county fund of said county, money to pay the funeral expenses of those killed by said casualty, and to relieve the necessities of those injured by said casualty, and to extend such other and further aid as they may deem just and proper; provided, however, that such payments in the aggregate shall not exceed four thousand dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed, March 20, 1868.

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#### AN ACT

To authorize the incorporated village of North Lewisburg, in Champaign county, to borrow money to build a town hall, engine-house and village prison.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the town council of the incorporated village of North Lewisburg, in

Champaign county, are hereby authorized to borrow a sum of money not exceeding four thousand dollars, and for such time or times not exceeding six years, as said council may deem best, for the purpose of building a town hall, engine house and village prison, within and for said incorporated village.

SEC. 2. Provided, that the town council of said village shall not have power to borrow money, as is provided for in section one of this act, until the proposition shall have been submitted to the qualified voters of said village, and decided in the affirmative at the annual election to be held on the first Monday of April, 1868.

SEC. 3. For the purpose aforesaid, the town council are hereby authorized to issue bonds of said incorporated village, in such sums respectively as they may deem best, to bear interest not exceeding the legal rate per annum.

SEC. 4. For the purpose of paying said bonds, with the interest, as the same become due, a tax, of sufficient amount, upon all the property subject to taxation in said incorporated village, shall be levied and collected each year, in the same manner as prescribed in an act to authorize the erection, improving, enlarging or constructing additions to town halls, passed April 2, 1866. (O. L., vol. 63, page 84.)

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 20, 1868.

#### AN ACT

To authorize the board of education of the city of Akron to borrow money, and issue bonds for the payment of a debt incurred in buildings for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Akron, in Summit county, is hereby authorized to borrow a sum of money, not exceeding fifteen thousand dollars, for the payment of a debt already incurred by said board in the erection of and additions to school-houses located within the limits of said city.

SEC. 2. And for the purpose aforesaid, the said board of education is hereby authorized and empowered to issue bonds, signed by the president and secretary of said board, for the amount of money so borrowed, the principal and interest to be made payable at such time and in such proportions as said board of education may stipulate therein, bearing interest at a rate not exceeding six per centum per annum.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 26, 1868.

## AN ACT

Authorizing the city and township of Steubenville, Jefferson county, Ohio, to invest certain funds therein named in the securities of the State of Ohio, or of the United States.

WHEREAS, The city and township of Steubenville, Jefferson county, did each issue bonds to the amount of one hundred thousand dollars, to aid in constructing the Steubenville and Indiana railroad; and,

WHEREAS, The trustees of said township and the council of said city, by annual levies made on the taxable property under their jurisdiction, have been creating a sinking fund for the purpose of redeeming said bonds when they become due, in the year eighteen hundred and seventy-five; and,

WHEREAS, The annual interest on the sinking fund now raised, would amount to over two thousand dollars per annum, which sum is a loss to said city and township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the treasurer, or other officer having such funds in his custody, when so directed by the trustees of said township or the council of said city, shall invest said fund in the securities of this state or of the United States, until such time as said bonds come due or can be redeemed.

SEC. 2. The treasurer or other officer having such funds in his custody, when authorized by said trustees or council, shall collect interest due on such securities, and invest the same in the manner provided in section one of this act.

SEC. 3. It shall be the duty of the treasurer or other officer having such securities in his custody, to sell the same at such time and in such manner as said trustees or council may direct.

SEC. 4. This act to be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 30, 1868.

## AN ACT

To amend an act entitled "an act to amend an act entitled an act for the support and better regulation of public schools in the city of Columbus," passed February 3d, 1845, and the act amendatory thereto, passed February 16th, 1849, and amended April 11th 1865. (O. L. 1865, p. 201.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section second of said amended act be so amended as to read as follows:

Section 2. That on or before the first Monday in June in each year, said board shall certify to the county auditor of Franklin county the sum which, in addition to the amount received from the state school fund, will be necessary for the purposes specified in the preceding section, and also to defray the other expenses of the public schools in said city; and said auditor shall cause said sum to be levied upon the taxable property of said city, and the same shall be collected as other school taxes are or



may be, and paid to the treasurer of said board; provided, however, that said sum so reported shall not exceed in any one year five mills on the dollar of the valuation of the taxable property of said city; and, provided further, that after A. D. 1871, said sum so reported shall not exceed in any one year four mills on the dollar of the valuation of the taxable property of said city.

SEC. 2. That section two of said amended act herein mentioned, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868.

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#### AN ACT

For the relief of Samuel Spitler, treasurer of Hancock county.

WHEREAS, On the night of the 12th of December, A. D. 1865, the safe belonging to the county of Hancock, in the state of Ohio, for the use of the treasury of said county, and then in custody and charge of Samuel Spitler, the treasurer of said county, was burglariously opened by some person or persons unknown, and the sum of two hundred and fifty dollars, belonging to said county, (and) stolen therefrom, and said Samuel Spitler having paid the said two hundred and fifty dollars to said county out of his own funds; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hancock may, in their discretion, refund and pay to the said Samuel Spitler, the treasurer of said county, the sum of two hundred and fifty dollars, the sum so stolen from the treasury; and the county commissioners are hereby authorized, if in their opinion it is necessary, to levy a tax not exceeding the said sum of two hundred and fifty dollars, and refund to the said Samuel Spitler the sum so stolen.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868.

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#### AN ACT

Authorizing the commissioners of Madison county to levy a tax to purchase additional grounds for the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Madison county be, and they are hereby authorized to levy, on the grand duplicate of said county, at their June session,

for the years 1868 and 1869, a sum sufficient, not exceeding one-half mill for each of said years, on the dollar of the taxable property in said county, for the purchase and improvement of additional grounds to the present site of the Madison county agricultural society.

SEC. 2. It shall be the duty of the board of directors of said agricultural society to certify to the county auditor, on or before the first Monday in June in each of the above years, the amount necessary to be expended during the current year for such purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount so certified shall, by said auditor, be placed on the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer as aforesaid in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient surety, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds and improvements purchased and made as aforesaid, and all grounds owned by said agricultural society as sites whereon to hold their fairs, shall be under the exclusive control and management of the board of directors of said agricultural society, and should said society be dissolved or cease to exist, all of said grounds and improvements so owned by such society shall vest in fee in said county of Madison.

SEC. 5. No officer of said agricultural society shall charge or receive any compensation for services as such officer.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 30, 1868.

#### AN ACT

To authorize the commissioners of Wood county to levy an additional tax for county purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Wood county are hereby authorized to levy an additional tax of one mill on the dollar valuation of the taxable property of Wood county, in each of the years one thousand eight and sixty-eight and one thousand eight hundred and sixty-nine, for the purpose of paying the present indebtedness, incurred for current expenses of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speakers of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 3, 1868.

## AN ACT

To authorize the commissioners of Sandusky county, Ohio, to improve the road leading from the county seat to the infirmary farm of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Sandusky county, Ohio, be and they are hereby authorized to improve that part of the state road from the northern boundary of the city of Fremont, in said county, to the north line of the infirmary farm on said road, by grading and graveling the same, and to pay the expenses of such road improvement out of the road funds of said county, which if not sufficient for that purpose and other charges thereon, may be increased by an additional levy, next June, of not over fifteen hundred dollars, over and above the levy authorized by the general laws for road purposes; provided, said improvement shall not cost the county more than two thousand dollars.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3, 1868.

## AN ACT

To amend section one of an act entitled "an act to authorize the commissioners of Fairfield county, Ohio, to improve a road therein named," passed Feb. 12, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the "act to authorize the commissioners of Fairfield county, Ohio, to improve a road therein named," passed Feb. 12, 1868, be so amended as to read as follows:

Section 1. That the commissioners of Fairfield county, Ohio, be and they are hereby authorized to improve that part of the road, or any road that may be established by said commissioners, leading from the city of Lancaster, in said county, to the county infirmary of said county, by grading and graveling the same, and to pay the expense of such road improvement out of the road fund of said county, which, if not sufficient for that purpose and other charges therefor, may be increased by an additional levy next June of not over two thousand dollars over and above the levy authorized by the general laws for road purposes; provided, said improvement shall not cost the county more than two thousand dollars.

SEC. 2. That section one of the "act to authorize the commissioners of Fairfield county, Ohio, to improve a road therein named," passed Feb. 12, 1868, be and same is hereby repealed.

SEC. 3. That this act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3, 1868.

## AN ACT

To authorize the trustees of Washington township, Montgomery county, Ohio, to sell and convey certain lands belonging to said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Washington township, Montgomery county, Ohio, be and they are hereby empowered to sell and convey certain lands belonging to said township, known as the "township cemetery lot;" provided, that a majority of the legal voters of said township shall, at the next regular election [to] be held therein, vote in favor of such sale.

SEC. 2. That the proceeds arising from said sale shall be paid by said trustees into the general township fund.

SEC. 3. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3, 1868.

## AN ACT

To authorize the county commissioners of Brown county to levy a special tax to build a jail in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Brown, be and they are hereby authorized to levy a special tax upon the taxable property of said county for the years 1868 and 1869, a sum not exceeding twenty-five thousand dollars, for the purpose of building a new jail in said county.

SEC. 2. This act to be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 3, 1868.

## AN ACT

Supplementary to an act entitled "an act regulating the Commercial Hospital at Cincinnati," passed March 11th, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the "Commercial Hospital of Cincinnati," be and is hereby changed to the "Cincinnati Hospital," and the pest-house connected therewith, be and is hereby also changed to the "Roh's Hill

Branch of Cincinnati Hospital ;" and all laws and rules made in the name of "Commercial Hospital" and pest-house, shall be applicable to the Cincinnati Hospital and Roh's Hill Branch of the same.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 3, 1868.

#### AN ACT

To authorize the levying and collection of a tax in Kirkwood township, in Belmont county, to pay a bounty to Joseph H. Barr, and to repay to Hamilton Murphy money heretofore paid by him for said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Kirkwood township, in Belmont county, be and they are hereby authorized to levy, on the taxable property of said township, a tax not exceeding in the aggregate the sum of five hundred and eighty-five dollars, and certify the same to the auditor of said county, who shall place the same on the duplicate for the year 1868, as other taxes, and the same shall be collected and paid over to the treasurer of said township; three hundred dollars of the same to be paid on the order of the township trustees to Joseph H. Barr, to pay him the balance due him from said township, on his bounty as a soldier from said township in the late war, and the balance [to] be used by said trustees to pay Hamilton Murphy the sum of two hundred and eighty-five dollars, heretofore paid by him for said township, to pay volunteer bounties.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 8, 1868.

#### AN ACT

To amend an act passed April 11th, 1867, supplementary to an act passed March 11th, 1863, to authorize the board of education of the incorporated village of Wellington, Lorain county, Ohio, to issue bonds to raise money, to purchase a site or sites and build a school-house or school-houses in said village. (Ohio Laws, vol. 60, page 132; and vol. 64, page 298.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act, supplementary to an act passed March 11, 1863, "to authorize the board of education of the incorporated village of Wellington, Lorain county, Ohio, to issue bonds to raise money, to pur-

chase a site or sites and build a school or school-houses in said village," be so amended as to read as follows:

Section 1. That said board of education of the incorporated village of Wellington, are hereby authorized to borrow an additional sum, not to exceed twenty thousand dollars, in the manner provided for in the second section of the act to which this is supplementary; or if said board of education shall deem it best, they may raise said money or any part thereof by an additional tax, to be levied upon the taxable property of said village, of not more than three mills on the dollar, in each of the years 1868 and 1869.

SEC. 2. That the said board of education shall, on or before the first day of May, in the year one thousand eight hundred and sixty-eight, and quarterly thereafter until said school-house is completed and paid for, and before issuing any additional bonds, or levying any additional tax, under the provisions of this act, or any other law of the state of Ohio, publish a full and detailed statement of all bonds issued, and money raised by taxation, under any law or laws of this state, for the purpose of purchasing a school-house site or sites and building a school-house or school-houses in said village; also the sum for which each of said bonds was issued, the amount realized from the sale of said bonds, the date of each of said bonds and the time when each shall fall due; also what contracts have been made for purchasing a site or sites and for building a school-house or school-houses thereon, setting forth the names of the contracting parties, with the contract prices, the items of all expenses, and money paid for labor and materials, in building said school-house and for plans and specifications therefor; and all other money paid out of the said funds so raised, and for what purposes, and to whom paid, and any unexpended balance of said fund remaining in the treasury, if any such balance there be, which statement shall be verified by the oath or affirmation of one or more members of said board, and shall be published in some weekly newspaper of general circulation in said village, or by posting up the same in three of the most public places therein.

SEC. 3. That the said board of education are hereby required to advertise, and offer the letting of the work and furnishing of materials for the building or completion of such school-house to the lowest responsible bidder; which advertisement shall be made by publication in some weekly newspaper of general circulation in said village by at least three insertions therein—said letting to be in whole or in parcels, as said board shall deem most conducive to the public interest. And it shall be unlawful for said board, or any member or members thereof, to be directly or indirectly interested in, or party to, any contract or letting made by said board for the completion of said school-house, or any part thereof, or for furnishing materials therefor.

SEC. 4. That the expense of advertising as herein provided, shall be paid from any money raised under the provisions of this act.

SEC. 5. Section one of said supplemental act, be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 8, 1868.

## AN ACT

To authorize the commissioners of Lorain county to levy a tax to raise money to build a bridge across Black river, in the township of Black River in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lorain county be and they are hereby authorized to construct a bridge across Black river, in the township of Black River in said county, at the point where the Lake Shore road or highway crosses said river.

SEC. 2. That said commissioners are hereby authorized to raise, by tax, a sum of money for the purpose of constructing said bridge not exceeding the sum of thirty thousand dollars, the same to be levied upon the taxable property of said county of Lorain, or any township or townships thereof, in one levy or in such annual installments as to said commissioners shall seem most conducive to the public interest.

SEC. 3. That said commissioners are hereby required, before proceeding to levy said tax and raise said money, to submit to the qualified voters of said county, or to the qualified voters of such township or townships thereof, whereon they shall determine to levy said tax, for their approval, the question of said taxation, which submission shall be determined by ballot at the annual election on the first Monday of April or second Tuesday of October prior to the proposed levy; notice thereof to be given in manner and form as is provided by law for notices of said annual elections. If a majority of all the voters voting at said annual election in said county, or such township or townships thereof, whereon said tax is proposed by said commissioners to be levied, shall vote in favor of such bridge tax, the said commissioners shall proceed to levy said tax and to build said bridge in manner and form as is provided by law for levying taxes and building bridges.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To authorize the county commissioners of Miami county to levy a tax upon certain townships in said county to create a sinking fund to pay a debt to the Dayton and Michigan railroad company.

WHEREAS, The townships of Concord, Union, Bethel, Lost Creek, Monroe, Staunton, Elizabeth and Newton, have heretofore issued their bonds to the Dayton & Michigan railroad company, for the purpose of aiding in the construction of said road, which bonds amount in the aggregate to the sum of fifty-seven thousand dollars, bearing interest, and will all fall due and become payable in the year 1872, and it is desirable to relieve said townships from the oppressing burden of being compelled to levy a tax in one year to pay said bonds, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of said Miami county are hereby authorized to

levy a tax upon all the taxable property of said townships, not to exceed two and one half mills on the dollar in each and every year up to the year 1872, in addition to the tax now by law authorized, for the purpose of creating a sinking fund for the payment of said indebtedness when the same shall become due.

SEC. 2. Said commissioners are hereby further authorized, when said tax shall have been collected for any year, to invest the amount thereof either in United States, state or county bonds, bearing interest; provided, that such investment shall be so made as not to interfere with the application of said money to the payment of said indebtedness when the same shall become due; and provided further, that if said money can be applied by said commissioners to pay any of said bonds before the same become due, said commissioners are hereby authorized to apply said money to the payment of said indebtedness before the same becomes due.

SEC. 3. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To provide for the support and regulation of public schools in the city of Cleveland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all matters pertaining to the interests of public education in the city of Cleveland are hereby vested in a board of education, the members of which shall be chosen and hold their office in accordance with the provisions of this act, as follows, viz.: At the annual election of city officers to be held on the first Monday of April next, the qualified voters in each ward in which the term of office of the member of the board may have expired, and in each new ward created within the city limits, shall, by a plurality of votes, elect one judicious and competent person, who shall be at the time a qualified voter in such ward, to be a member of said board, and who, together with the members of the board remaining in office by virtue of the previous election, shall, on the third Tuesday after the first Monday of April, as aforesaid, meet together, and, having taken an oath of office, shall organize by electing from their own number a president, vice president and secretary; and shall then proceed to divide themselves in two classes as nearly equal as may be, to be determined by lot, after having assigned to the first class all members of the previous board still in office, the first class to hold their office for one year, the second for two years; and when thus organized and classified, they shall constitute and be known as the board of education of the city of Cleveland; and said board is hereby declared and constituted a body corporate, capable of contracting and being contracted with, suing and being sued, receiving and conveying property for the use and benefit of the schools of the city, except as herein otherwise provided in regard to the purchase of school-house sites, the erection of school houses, and the investment of titles therein. At all subsequent annual elections in each ward, in which the



term of office [of] the member of the board of education has expired, there shall be elected to said board a suitable person, having the qualifications as aforesaid, who shall hold his office for the term of two years, and the present board, and all the members of the board elected as aforesaid, shall continue in office until their successors are duly elected and qualified. In case of failure to elect in any ward, or in case of a vacancy by death, resignation, removal or other cause, the board shall fill such vacancy by the appointment of a suitable person for the unexpired term, who has the qualification of a voter and is a resident in the ward in which the vacancy may have occurred.

SEC. 2. The board of education, a majority of whom shall constitute a quorum, shall be the judge of the election returns and qualifications of its own members; shall determine the rules of its own proceedings, and make by-laws for their enforcement not inconsistent with this act, nor the laws of this state; shall hold its regular meetings on the first and third Mondays of each month, at such hour and place as may be fixed by its own rules, and shall keep a journal of its proceedings, which shall be open to the inspection of any citizen.

SEC. 3. The board of education may compel the attendance of absent members in such manner and under such penalties as it shall see fit to prescribe, and if any member shall absent himself from four consecutive regular meetings, unless on account of sickness or by consent of the board, such non-attendance shall be considered a virtual resignation on his part, and the board, on entering such facts on its minutes, shall proceed to fill such vacancy by appointment, as aforesaid, for the unexpired term.

SEC. 4. The said board of education may, if it seem necessary and expedient, annually elect a competent person, not of its own body, to act as its secretary instead of the secretary as provided for in the first section of this act, and may prescribe his duties and fix his salary. And the said board may also elect and fix the salary of a competent person to act as overseer of school buildings, whose duty it shall be, under the direction of the board, to superintend the erection, enlargement and repairs of school buildings, to see that all buildings occupied for school purposes, together with the appurtenances thereof, are kept in good order and repair.

SEC. 5. The board of education shall, on or before the first Monday in May, annually, levy such rate of taxes for school purposes, as may be determined upon and certified in accordance with an act passed March 25, 1864, entitled "an act to authorize cities of the first and second classes to levy taxes for school purposes." It shall annually cause to be taken an enumeration of all the children between five and twenty-one years of age, residing in the several school districts, distinguishing in such enumeration the age of each, respectively, and distinguishing also the white from the colored children; and said board shall, on or before the fifteenth day of November following, through its secretary, certify the same to the auditor of the county; and such enumeration shall, until another be taken, form the basis of the city portion in the annual distribution of the state school fund. It shall, moreover, at the time of taking the enumeration above required, cause to be taken also a census of the number of children attending the public, the private and the church schools, respectively, and of those who are not in attendance upon any school, and make a report of the same to the county auditor and to the state commissioner of public schools, at the time and in the manner above prescribed.

SEC. 6. It shall be the duty of the city treasurer of said city to keep on deposit, where other city funds are deposited, all moneys belonging to the school fund levied for the current support and expenses of schools, and all other moneys which shall hereafter be paid into said treasury of schools; and he shall keep the same as a separate and distinct fund, not to be applied, paid over or pledged on any pretence whatever, to any other use than that for which it was levied and collected or paid in, nor upon any other order or authority than that of the board of education.

SEC. 7. It shall be the duty of the secretary of said board to certify to the city auditor, all bills by them allowed for school purposes, and thereupon it shall be the duty of said auditor to issue his warrant upon the city treasury in favor of the parties and for the sums severally specified in the certificate of the secretary, countersigned by the president, and upon the presentation of said warrant the city treasurer shall pay the same; provided, however, that no money shall be paid out of said treasury for school purposes, except on a vote of a majority of all the members of said board; and provided, also, that the said secretary, before entering upon the duties of his office, shall give bonds to the city, with two or more sufficient sureties acceptable to the board, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of all and singular his official duties, which said bond shall be filed with the city treasurer for safe-keeping.

SEC. 8. That whenever additional school room shall be required, it shall be the duty of the board of education to recommend to the city council the purchase of proper sites, and the erection of suitable school houses thereon, accompanying such recommendation with plats of sites which it may propose to purchase, and plans and estimates of the cost of school-houses which it may propose to erect; and it shall be the duty of the city council, without delay, to act upon the same, and if they shall approve the said recommendation, then it shall be their duty to provide in such manner as shall seem most expedient, such sum of money as may be necessary to carry the same into effect; and the money so provided shall be deposited with the city treasurer for the purpose set forth in this section to the credit of the school construction fund; and whenever the city council shall concur in the recommendation of the board of education as aforesaid, the said board shall proceed, with proper dispatch, to carry said recommendation into effect according to the proper intent and meaning thereof.

SEC. 9. The board of education shall first cause careful specifications to be made of all work to be done, and of all materials to be furnished, in the erection of any school house recommended by the board and approved by the council, and shall then advertise for two consecutive weeks in two daily newspapers of general circulation in the city, for proposals to do said work and to furnish said materials; and on a day named in such advertisement, all proposals which may have been received by the secretary of the board, shall be examined by the proper committee on buildings and supplies of said board, in connection with the secretary and president, and the contract shall be awarded to the lowest responsible bidder, who shall be required to give adequate security for the faithful and prompt performance of his contract; provided, that said committee shall have power to reject any or all bids not compatible with the public interest, if, in their opinion, better terms may be obtained; and provided, also, that no contract for building and furnishing materials as aforesaid, shall be made at a price higher than the estimates as aforesaid, submitted by the board of education to the city council; and all contracts

made by the board of education in pursuance of the authority granted said board by the eighth and ninth sections of this act, shall be made in the name of the city of Cleveland, and shall not take effect until approved by the city council, and the title of all sites purchased and all buildings erected by authority of this act, shall vest in said city; and it is hereby further made the duty of said board of education, from and after the passage of this act, to supervise all work done under and by virtue of any and all contracts heretofore made and not yet completed, or which may afterwards be made for the erection, heating and furnishing of school houses, to approve and certify for payment all estimates on said work properly made, and to use all proper and lawful means to the end that such contract may be thoroughly, faithfully and honestly performed.

SEC. 10. The board of education shall decide upon the best method of ventilating and heating all school houses erected by authority of this act, and shall have authority to contract for stoves or other heating apparatus, supervise the placing or construction of the same, including proper ventilation, and purchase such furniture as may be necessary for the use of any school house erected as herein provided, and all contracts made for purchases of sites, erection of school houses, ventilating, heating and furnishing the same, shall be paid by ordinance of the city council out of the school construction fund aforesaid.

SEC. 11. It shall be unlawful for any member of the board of education to have any pecuniary interest, either direct or indirect, in any contract for the erection of school houses, or for warming, ventilating, furnishing or repairing the same, or in any other matter connected with the supplies or maintenance of schools; nor shall any member of the board receive any compensation for his services, except the secretary.

SEC. 12. It shall be the duty of said board to establish and alter the boundaries of school districts in said city, as the public convenience may require, and it shall provide and support in said districts, such number and classes of schools as may be necessary to furnish thorough and appropriate instruction in all the branches of a good common school education to all the children resident therein, between the ages of six and twenty-one years; and for the purpose of affording a more advanced education, two high schools shall be established and maintained at the expense of the city, in which high schools instruction may be given in such languages and higher branches of learning as the board may direct.

SEC. 13. The board of education may provide a suitable number of evening schools during the fall and winter months, for the instruction of such youth over ten and less than twenty-one years of age, as may be prevented by their daily avocations from attending the day schools; and said evening schools shall be subject to such regulations as said board may, from time to time, prescribe.

SEC. 14. The said board of education shall have the exclusive management and control of all the schools of said city established or maintained under this act, and shall have power to employ and pay such classes of teachers as may be necessary to give instruction therein, and from time to time shall make such regulations for the government, classification and instruction of the pupils thereof and with respect to the text books used therein as may appear expedient; and for the purpose of securing uniformity and efficiency in the management of said schools, it shall have power to appoint a superintendent of instruction, prescribe his duty, and fix his salary and term of service, not exceeding two years.

SEC. 15. The board of education shall in no case increase the salaries

of teachers or of any person appointed or employed by the board during the term of service for which they were so appointed or employed, and the said board shall have power, for reasons satisfactory to said board, to remove the superintendent, the secretary, or overseer of buildings from office, and to dismiss teachers at any time.

SEC. 16. The board of education shall fix the school year and the time and duration of the sessions and vacations of the schools; it shall provide for the examination thereof at least once per annum, and at the close of every school year it shall make and publish, for the information of citizens, a report in detail of the receipts and expenditures for school purposes and of the condition of the schools, together with a particular account of their administration, and, generally, it shall be the duty of said board to do and perform all offices and duties which may be necessary and proper to promote the education and good morals of the pupils thereof.

SEC. 17. The public schools in the several districts in said city, and all other grades of schools established or maintained in whole or in part from the school funds, shall at all times be equally free and accessible to all children, not less than six nor more than twenty-one years of age, who may reside in said city, subject only to such rules for their admission, classification, government, instruction and dismissal, as the board of education may prescribe.

SEC. 18. The board of education shall, annually, in the month of January, appoint three persons residents and citizens of said city and of competent learning and ability, who shall constitute a board of examiners, whose duty it shall be to meet at least once in every month, and to examine into the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools; and any two of the members of said board shall have power to grant certificates thereof, for a term not exceeding one year, to such persons as in their opinion shall be entitled to receive the same; and, at the expiration of such certificates, the said board may renew the same for a term not to exceed five years, in favor of such persons only as may have been employed in the schools of said city for a term of not less than three months, and who shall have exhibited in that time, practical ability and skill in the management and instruction of schools; and no person shall be employed or paid, either directly or indirectly, as a teacher or instructor in any of said schools, except as a temporary supply, until he or she shall have obtained from said board of examiners, a certificate of qualification as to his or her competency, practical skill and moral character, and for these services said examiners shall receive such reasonable compensation as may be allowed by the board; but no charge shall be made to applicants for certificates.

SEC. 19. It shall be lawful for the city council to establish one or more industrial schools in said city, for the benefit of destitute and neglected children, and provide by ordinance or otherwise, for the course of instruction in the branches of a common school education, and in the industrial arts and employments, which shall be taught and pursued therein, and for the support, management and government of such school or schools.

SEC. 20. That if any person shall mar, injure or deface any school house, out building, fence, furniture or other property belonging to or in possession of either of the schools of said city, or of any scholar of either of said schools, every person so offending, shall forfeit and pay for each offense a fine of not less than five nor more than fifty dollars, to be recovered in a civil action before the mayor or police judge of the city; and

for all injuries done as aforesaid, by any scholar or minor, the parent or guardian of such minor or scholar may be obliged to pay treble the amount of damages occasioned thereby, to be recovered in a civil action before said mayor or police judge, at the instance of the secretary, superintendent or overseer of school buildings, in the name of the city; and all fines and damages collected by virtue of this section, shall be paid into the city treasury and be appropriated for the benefit of schools.

SEC. 21. The act entitled an act for the regulation and support of common schools in the city of Cleveland, passed March 26th, 1859, and the amendment thereto and the act supplementary thereto, passed April 11th, 1863, be and the same are hereby repealed.

SEC. 22 This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 14, 1868.

#### AN ACT

To authorize the township trustees and board of education of Eaton township, Lorain county, Ohio, to levy a tax to build a school house and town hall in said township.

WHEREAS, The qualified electors of Eaton township, Lorain county, Ohio, at the annual election held on the first Mouday of April, 1867, voted to build a town hall in said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township of Eaton, in Lorain county, Ohio, be and they are hereby authorized to levy a tax upon the taxable property of such township, of not exceeding three mills on the dollar, for the year A.D. 1868, which shall, when collected, be used for the purpose of purchasing a site and building a town hall and school house, and for no other purpose whatever.

SEC. 2. The board of education of the township of Eaton, Lorain county, Ohio, are hereby authorized to levy a tax of not more than three mills on the dollar on the taxable property of said township, for the year A.D. 1868, which tax, when collected, shall be used by said board of education, in connection with the trustees of said township, in building a school house and town hall, and for no other purpose.

SEC. 3. The township trustees and the board of education of said township of Eaton, Lorain county, Ohio, shall certify to the county auditor of said county the amount of tax necessary, not exceeding the amount specified in the first and second sections of this act, which shall be entered on the duplicate and collected in like manuer as other taxes are collected.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 30, 1868,

## AN ACT

To authorize the commissioners of Hardin county to levy a tax and borrow money for the purpose of building a county infirmary in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hardin county be and are hereby authorized to levy, at their June session, in the years 1868 and 1869, each, one and one-half mills on the dollar of all the taxable property in said county, for the purpose of building a county infirmary.

SEC. 2. For the purpose of anticipating the money provided for in the first section of this act, the said commissioners are hereby authorized, if they shall deem it expedient, to issue bonds in amount not exceeding fifteen thousand dollars in the aggregate, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually. The principal of said bonds to be made payable at such times as the commissioners may determine, not later than the first day of August, 1870; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 8, 1868.

## AN ACT

To authorize the commissioners of Clermont county, Ohio, to improve a road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Clermont county be and they are hereby authorized to improve that part of the road leading from the foot of Wood street, in the town of Batavia, in said county, to the infirmary farm, by grading and graveling the same, and to pay the expenses of said road improvement out of the road fund of said county, which, if not sufficient for that purpose, may be increased by an additional levy next June, of not over two thousand dollars over and above the levy authorized by general laws for road purposes; provided, said improvement shall not cost the county more than two thousand dollars.

SEC. 2. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 9, 1868.

## AN ACT

To authorize the commissioners of Pickaway county, Ohio, to levy a tax to assist in building a bridge across Darby Creek, at or near Darbyville, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Pickaway county, Ohio, be and they are hereby authorized, if they deem the same expedient, to levy a tax on all the taxable property within the limits of said county, to assist in building a bridge across Darby Creek, at or near Darbyville, in said county; said tax to be levied in equal amounts in one or more successive years, at the discretion of said commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 11, 1868.

## AN ACT

To authorize the board of education of the incorporated village of Cambridge, Guernsey county, to increase their levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Cambridge, in Guernsey county, and the territory thereto annexed for school purposes, be and they are hereby authorized and empowered annually hereafter to increase their levy one mill on the dollar for school purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 11, 1868.

## AN ACT

To authorize the town council of the incorporated village of the town of Coshocton, in Coshocton county, to levy a tax to improve the streets of said incorporated village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Coshocton, in Coshocton county, be and they are hereby authorized to levy a sufficient tax on all the taxable property of said incorporated village, whenever they may deem it necessary, to grade, gutter and curb any street or alley within said incorporated village; said tax to be levied and collected as other taxes are levied and collected.

SEC. 2. It shall be the duty of the recorder or clerk of said incorporated village, to certify to the county auditor the amount to be levied by

said council, and the auditor shall enter the same on the tax duplicate, and the treasurer shall collect and pay over to the treasurer of said incorporated village all moneys coming into the treasury under this act; and all moneys collected by virtue of this act shall be applied to the uses herein specified, and to no other purpose. Nothing in this act contained to interfere with the general law in relation to the grading and paving of sidewalks in said village.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the commissioners of Greene county to build additions to the court-house in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Greene county be and they are hereby authorized and empowered to build and make such additions and improvements to the court-house in said county as they shall deem necessary and proper, and as will best subserve the interests of the public; provided, that the cost of making such additions and improvements shall not exceed the sum of twenty thousand dollars.

SEC. 2. To raise money necessary for this purpose, the commissioners of the said county are hereby authorized and empowered to issue the bonds of the said county, to any amount not exceeding the said sum of twenty thousand dollars in the aggregate, for sums not less than one hundred dollars each, payable at the pleasure of the said commissioners at a period not exceeding ten years from the date thereof, and in such amounts and at such times as said commissioners shall determine, and bearing interest at a rate not exceeding eight per cent. per year, payable yearly; provided, that said bonds shall not be sold or disposed of in any case for less than their par value.

SEC. 3. That for the purpose of paying the said bonds and the interest thereon as the same shall become due, the said commissioners are hereby authorized and empowered to levy on the taxable property of said county such amount annually as will be sufficient to pay the principal of the bonds that shall fall due each year respectively, and also the interest falling due annually on all the bonds so issued, and the money so raised shall not be used for any other purpose.

SEC. 4. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.



## AN ACT

To authorize certain townships in Marion county to levy a tax for the purpose of clearing the Scioto river of drift and other obstructions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Green Camp, Big Island, Bowling Green and Montgomery townships, in Marion county, be and they are hereby respectively authorized to levy a tax, when in their judgment they think it advisable to do so, not to exceed two mills on the dollar of the taxable property of said townships, for the purpose of removing drift and other obstructions from the Scioto river in said townships; the money collected in pursuance of said levies to be expended under the supervision of the trustees of their respective townships.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To authorize the trustees of Madison township, Vinton county, Ohio, to levy a special tax to pay off the indebtedness of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Madison township, Vinton county, be and they are hereby authorized to levy a special tax, on all the taxable property of said township, sufficient to raise, in the aggregate, the sum of three thousand dollars.

SEC. 2. The trustees of said township shall so arrange their levy as not to enforce the collection of over one-half of the said amount in any one year; and when such levy is made, it shall be certified to the county auditor of the proper county, who shall enter the same on the tax duplicate to be collected as other taxes are collected.

SEC. 3. That the money so collected shall be used to pay off the indebtedness of said township, created in keeping and defraying the expenses of the poor of said township, and for no other purpose; and if there shall be a balance, over and above what is necessary to pay off such indebtedness, it shall be retained and used, when necessary, for like purposes.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To authorize the trustees of Twin township, Preble county, to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Twin township, Preble county, be and they are hereby authorized to levy a tax, not exceeding three thousand dollars, on all the taxable property within the limits of said township, to assist in building a bridge across Twin Creek, east of New Lexington, where the Lexington and Salem free turnpike road crosses said Twin Creek; and said trustees shall certify the amount, not exceeding three thousand dollars, to the county auditor, who shall place the same on the tax duplicate for said township, to be collected as other taxes are collected, and paid to the proper township officers to be expended for the purpose for which it was created.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. O. LEE,

*President of the Senate.*

Passed April 13, 1868.

## AN ACT

To authorize the commissioners of Darke county to build a court house and jail, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Darke county be and they are hereby authorized to purchase a site or sites, and erect thereon a new court house and jail for said county, at the seat of justice of said county, at a cost not exceeding one hundred thousand dollars, exclusive of the amount which may be derived from the sale of the present jail lot and old jail, and the sale or appropriations of the materials of the present court house, which lot and buildings they are hereby authorized to sell, at public or private sale, as they shall deem advisable, or otherwise appropriate and apply to or in payment for the said new court house and jail.

SEC. 2. To enable the commissioners to carry into effect the provisions of this act, they are hereby authorized to transfer to the building fund and use for the purpose of this act, any surplus of other funds now in the county treasury, or which may hereafter accumulate, not needed for specific purposes for which said surplus was raised; and also raise by taxation on the property of the county whatever sum may be needed for said purposes, not exceeding in any one year twenty thousand dollars. In anticipation of the collection of said taxes, the said commissioners shall have power to issue the bonds of said county in such sums and upon such terms, bearing not to exceed eight per cent. interest, and redeemable at the pleasure of said commissioners, which bonds shall not be sold for less than par value.

SEC. 3. Before determining upon a plan of said building, said commissioners may personally examine similar structures anywhere in the state, and they shall call to their assistance a competent architect or

engineer to prepare drafts and specifications of the plan determined upon; and the work of the buildings of said structures may be done either under their own supervision or that of a superintendent, to be appointed by them, and subject to their control in accordance with the plan determined on by them or any modifications thereof they may make.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the trustees of Harrison township, Darke county, to purchase a site and build a township house.

WHEREAS, The petition of a majority of the electors of Harrison township, Darke county, Ohio, shows that in making a levy under the law authorizing township trustees to raise money to pay bounties to volunteers, passed March 28th, A. D. 1864, the auditor of said county made a larger levy than was necessary for the purpose of paying said bounties; and,

WHEREAS, There is now remaining in the treasury of said township money raised by and under said levy, amounting to the sum of thirty-two hundred and sixteen dollars over and above the amount required for that purpose; and,

WHEREAS, A majority of the electors of said township have petitioned the legislature to pass a law authorizing the trustees of said Harrison township to expend said money for the purpose of purchasing a site and erecting thereon a township house, to be used for township purposes under the control of said trustees; and,

WHEREAS, It also appears that the question of using said money for the purposes aforesaid has been submitted to a vote of the people of said township, a majority of whom voted in favor of expending said money for the aforesaid purposes; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Harrison, in the county of Darke, in this state, be and they are hereby authorized to use the money now remaining in the treasury of said township, which has heretofore been levied and collected for the purpose of paying bounties to soldiers in said township, for the purpose of purchasing a site and erecting thereon a township house for the use of said township, which house shall be under the control of the trustees of said township.

SEC. 2. That the trustees of said township of Harrison may, in their discretion, levy upon the taxable property of said township, a tax sufficient to raise a sum which, added to the above, shall not exceed the sum of five thousand dollars, to aid in purchasing said site and erecting said building, which said tax shall be certified by the clerk of said township, to the auditor of said county, who is hereby authorized and required to

place the same upon the tax duplicate of said township, to be collected and paid over to the treasurer of said township as other taxes.

SEC. 3. This act shall take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the infirmity directors of Clinton county to pay certain indebtedness herein mentioned.

WHEREAS, It has been represented to the general assembly, by the commissioners of Clinton county, that there is justly due to Cyrus Linton, the sum of twenty and seventy-five hundredths dollars, and to B. B. Arnold the sum of seventy and seventy-five hundredths dollars, for goods purchased in the year 1865, for and converted to the only proper use of the infirmity of said county; and,

WHEREAS, Said sums can not be paid by authority of law, because said goods were sold by the said Cyrus Linton, then a township trustee, to the said B. B. Arnold, then superintendent of said county infirmity, in violation of law prohibiting such sales; and,

WHEREAS, It appears that such sales were made in good faith and without fraudulent intent, at a fair and reasonable price for said goods, and without knowledge of existing law, then recently enacted, forbidding the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the infirmity directors of Clinton county are hereby authorized and required to draw their order for the payment of said sums to the respective parties.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the board of education of Cedarville school district, in the county of Greene, embracing the incorporated village of Cedarville and adjacent territory, to borrow money, purchase a site and build a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Cedarville, in Greene county, and the territory thereto annexed for school purposes, be and they are hereby authorized and empowered to purchase a site and build a school-house thereon, at a cost not to exceed fifteen thousand dollars.

SEC. 2. That for the purpose of providing funds to pay for said site and school-house, the board of education are hereby authorized to issue their bonds, signed by the president and secretary of said board, in sums of not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per cent. per year, payable semi-yearly, for an amount not exceeding in the aggregate the sum of fifteen thousand dollars, and payable at any time not exceeding five years from the time of issuing the same, at the discretion of said board; provided that said bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy on the taxable property of the incorporated village of Cedarville and the territory thereto annexed for school purposes, such amount annually, as will be sufficient to pay the principal of the debt that shall fall due each year especially, and also the interest falling due annually on all of the bonds so issued, and the money so raised shall not be used for any other purpose.

SEC. 4. The said board of education are hereby authorized and empowered to sell the school-houses and school-house lots of said district, for the purpose of procuring a more central position, and the money arising from such sale shall be by such board of education applied towards the purchase of a site and the building of a school-house as hereinbefore provided.

SEC. 5. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the board of education of the incorporated village of Wilmington, to borrow money, purchase a site, and erect a school house, and to transfer the present school-house to the corporate authorities of said village, for a market-house and town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of special school district No. 1, comprising the territory of the incorporated village of Wilmington, in Clinton county, be and they are hereby authorized and empowered to purchase a site and erect a school-house thereon at a cost not to exceed twenty-five thousand dollars.

SEC. 2. For the purposes of providing funds to pay for said site and school-house or any part thereof said board are authorized and empowered to issue bonds, signed by the president and secretary of said board, in sums of not less than one hundred nor more than five hundred dollars each, bearing interest at eight per cent. per annum, payable annually, which bonds shall be made payable in installments, so that the amount due in any one year, together with interest, shall not require a greater levy than is authorized in section three of this act; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That for the redemption of said bonds, or for the payment of any obligation authorized by this act, the said board shall have power and are hereby authorized, to levy said sum of twenty-five thousand dollars, or a less sum, as may be necessary, upon all the taxable property of said school district, in addition to the levy for the support of schools therein, such levy to be divided into annual assessments, for such term of years as may be necessary to raise said sum, so that the assessment for any one year shall not exceed five mills on the dollar of the taxable property of said district; said assessments to be certified, placed upon the tax duplicate and collected as other school taxes.

SEC. 4. Said board of education are hereby authorized and empowered, on the completion of said school-house, to transfer and relinquish to the village council of the incorporated village of Wilmington, the present school-house and site in said district, for the use of said village for the purpose of a market-house and town hall, and said village council are hereby authorized to remodel and improve said building and site in such manner as will best accommodate the same to such purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

To authorize the city of Lancaster to fund its present indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Lancaster, in the county of Fairfield, is hereby authorized to borrow money, not to exceed twenty-five thousand dollars, at a rate of interest not to exceed the legal rate at the time such money is borrowed, payable semi-annually, for the purpose of paying the present debt of said city.

SEC. 2. That the city council of said city, for the purpose aforesaid, is hereby empowered to issue the bonds of said city, signed by the mayor of said city, and attested by the seal thereof, and countersigned by the president of said city council, in sums not less than one hundred nor more than one thousand dollars, payable to bearer with interest as aforesaid, payable as aforesaid; provided, that at least three thousand dollars of said bonds shall be made payable in the year 1871, and the like sum each year thereafter, and shall not be disposed of by said city council at less than their par value.

SEC. 3. That for the purpose of paying said bonds and the interest thereon, the said city council is hereby authorized and required to levy a tax in the year 1870, and annually thereafter, sufficient therefor, which shall be certified to the county auditor of said county of Fairfield, and by him placed upon the duplicate of said county and collected as other taxes levied by said council; and it shall not be lawful for said council to appropriate any of said taxes so levied, to any other purpose than to the payment of the bonds aforesaid issued by them.

SEC. 4. If the said city council shall refuse or neglect to levy said

tax by the first day of June, 1870, and each year thereafter until the full repayment of the same, it is hereby made the duty of the auditor of said county of Fairfield to levy said tax upon the taxable property of said city, and place the same upon the duplicate.

SEC. 5. That the money so borrowed by said city council shall be by said city council expended in paying and taking up the present debts or bonds of said city, and shall not be expended for any other purpose whatever.

SEC. 6. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 13, 1868.

#### AN ACT

For the relief of Moses W. Davis:

WHEREAS, During the late civil war an association was formed in Upper township, Lawrence county, in this state, for the relief and better support of widows and families of deceased soldiers, and the families of soldiers then in the military service of the country; and,

WHEREAS, Moses W. Davis, a resident of said township, was employed by said association to make collection and distribution of its moneys, and while so employed he paid out and expended out of his own funds, for the relief of such destitute families, about the sum of six hundred and fifty dollars in excess of the sums he was enabled to collect from said association; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township of Upper are hereby authorized to levy a tax upon all the taxable property of said township, not exceeding the sum of six hundred and fifty dollars, to be applied to the reimbursement of said Moses W. Davis, for moneys expended by him for the relief of destitute persons in said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 15, 1868.

#### AN ACT

To authorize the commissioners of Butler county to levy a tax to complete the Middletown bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Butler county, Ohio, be and they are

hereby authorized to levy a tax on all the taxable property of said county, not to exceed twenty thousand dollars, to complete the masonry, bridge structure and embankment, as now commenced, for the passage of the water of the Great Miami river, at Middletown, in said county.

SEC. 2. This act to take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 17, 1868.

#### AN ACT

To create a separate school district in parts of Deerfield and Hamilton townships, Warren county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Foster's Crossing, together with certain territory adjacent thereto, bounded as follows, viz: beginning at a point in the north line of section 16, in Deerfield township, Warren county, four hundred and forty (440) yards from the north-east corner of said section 16; thence south on a line parallel with the east line of said section 16 to a point in the south line of said section; thence west with the south line of said section to the north-west corner of Moses B. Hazeltine's land; thence southwardly with the west line of said M. B. Hazeltine to the Cincinnati and Montgomery turnpike; thence east to a point in the east line of section 15; thence south with the said east line of said section 15, to where said line touches the Little Miami river; thence across the river to the east bank; thence southwardly along the east bank of said Little Miami river, to the south-west corner of M. M. Murray's land; thence with said M. M. Murray's south boundary line eastwardly to the county road, leading from Foster's Crossing to Loveland; thence northwardly with said road to the south-west corner of Harvey Eastman's land; thence with the south boundary line of the said Harvey Eastman, eastwardly to his south-east corner in H. F. Butterworth's west line; thence northwardly with the line of said Eastman and Butterworth to Mary William's south east corner; thence with her east line to the county road leading from Mainville to Fosters; thence with said county road to the south-east corner of J. Armstrong's land; thence with said Armstrong's east line to his north east corner; thence to the north east corner of Robert Johnson's land in David Snook's south line; thence westward by the said Snook's south line to the south-west corner of his said Snook's land; thence northwardly in a straight line to the north-west corner of Mrs. Snider's land in Perry Snider's south line; thence westwardly with said Perry Snider's south line to the said Snider's south-west corner; thence northwardly with his west line east to the south east corner of Joe Stricker's land; thence westwardly with said Stricker's south line to the south-east corner of M. Whalen's land; thence with M. Whalen's east line to his north-east corner; thence west with said Whalen's north line to the east line of the Little Miami R. R. Co.; thence northwardly with said railroad company's east line to a point opposite the beginning, and prolongation of the north line of section 16; and thence to the place of beginning, be and the same is hereby created a separate school district.



SEC. 2. Said separate school district shall be organized, and in all respects governed by sections thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven of the act entitled an act to prescribe [provide] for the regulation, [reorganization] supervision and maintenance of common schools, passed March 14, 1853, and the acts amendatory and supplementary thereto.

SEC. 3. The separate school district created by the provisions of this act shall be entitled to all the school property in said district and an equitable proportion of all the school funds belonging to the several school districts out of which said separate school district is created, and it is hereby made the duty of all officers having custody of said property or funds to transfer said custody to the board of education of said separate school district hereby created, so soon as said board shall be elected and qualified, or as soon thereafter as the same may be practicable.

SEC. 4. This act shall take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 17, 1868.

#### AN ACT

For the relief of Edward Bailey, treasurer of Morgan township, Ashtabula county, Ohio.

WHEREAS, The store of Edward Bailey, treasurer of Morgan township, Ashtabula county, Ohio, was burglariously entered on the night of July 3d, 1867, and his safe blown open with gunpowder, and the sum of six hundred and eighty dollars, belonging to said township, stolen therefrom; and,

WHEREAS, One hundred and eighty-seven tax payers, by their petition to this general assembly, represent that said robbery was not due to any fault or negligence on the part of said Edward Bailey, and pray that he and his sureties be relieved from the payment of said sum of money so stolen; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Morgan township, Ashtabula county, Ohio, be and they are hereby authorized to release the said Edward Bailey and his sureties, on his official bond as treasurer of said township, from the payment of six hundred and eighty dollars, stolen as above recited, and the said Bailey and his sureties shall not thereafter be held liable to make up said stolen money to said township.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 15, 1868.

## AN ACT

To authorize the city council of the city of Youngstown to borrow money for fire purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Youngstown, two-thirds of the members elected thereto concurring, are hereby authorized to borrow money, not exceeding twenty thousand dollars, for the purchase of a fire engine, hose, hose cart, and such other appliances as may be deemed necessary by said city council for the protection of said city against fire, for the construction of reservoirs and the erection of a suitable engine house, all of which as to kind, size and location shall be such as said city council may prescribe.

SEC. 2. To secure the payment of the money borrowed as aforesaid, said city council may issue the bonds of said city in such sums as they may see fit, at a rate of interest not exceeding seven per cent. per annum, payable semi-annually, the principal of said bond to be made payable at such time or times as said city council may prescribe.

SEC. 3. To pay said bonds and the interest on the same as they become due, said city council is hereby authorized to levy a tax, not to exceed two mills on the dollar each year, on all the taxable property within the limits of said city, until a sufficient amount is raised to pay said bonds and the interest thereon, and no more.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 18, 1868.

## AN ACT

To authorize the trustees of Wellington township to levy a tax to purchase grounds for a public park and for agricultural exhibitions and fairs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Wellington, in the county of Lorain, are hereby authorized to purchase grounds within the incorporated limits of the village of Wellington for a public park, and for the purpose of raising the necessary amount of money therefore, be and are hereby authorized to levy a tax upon the taxable property of said township not exceeding the sum of fifteen hundred dollars; said grounds so purchased, shall be set apart and dedicated to the use of the citizens of said township for a public park, reserving to the trustees of said township the right to lease or let said grounds to any agricultural society or societies, stock or wool growers associations, for the purpose of holding fairs and exhibitions of said society or associations thereon. The said tax to be levied in the year one thousand eight hundred and sixty-eight, or by such annual installments as the said trustees shall seem just and equitable.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 21, 1868.

#### AN ACT

To authorize the trustees of the township of Russia, Lorain county, to borrow money and issue bonds to aid in the erection of a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Russia, in the county of Lorain, in order to anticipate the levies of the years 1868 and 1869, for the erection of a town hall, are hereby authorized to borrow the sum of ten thousand dollars, and to provide for the payment of the same, to issue the bonds of the township for said sum, bearing interest at the legal rate at the time of issuing the same, payable one-half in one year, and one-half in two years from the date thereof.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 21, 1868.

#### AN ACT

To authorize the First Baptist Church in the village of Keene, in the county of Coshocton, in the state of Ohio, to sell their church property and dispose of the proceeds of such sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the First Baptist church of the village of Keene, in the county of Coshocton, in the state of Ohio, are hereby authorized and empowered to sell the church building and lot upon which such building stands, now owned by said church, either at public or private sale, as to such trustees may seem best, and upon such payment or payments, and upon such terms of credit as such trustees may judge best, and when such trustees shall have received the money therefor, they are hereby authorized and empowered to apply said moneys as follows, to wit: One third thereof to the Clark Baptist church in Coshocton Association; one-third to the Ohio Baptist State Convention, and one-third to the Baptist Home Mission; and upon such sale said trustees are hereby authorized and empowered to make, execute and deliver to the purchaser or purchasers of

such property, a deed or deeds conveying said property to such purchaser or purchasers in fee simple, and such deed or deeds shall convey all the interest of said church therein to such purchaser or purchasers.

SEC. 2. This act shall be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 22, 1868.

#### AN ACT

Supplementary to an act entitled "an act to provide for the support and regulation of the public schools of the city of Cleveland," passed April 14, 1868.

WHEREAS, The board of education of the city of Cleveland, composed of the members holding over and those elected at the city election held on the first Monday of April, 1868, under the laws then in force, regulating the election of the members of the board of education for said city, met and organized on the 14th day of April, 1868, by electing officers and making classification of members, as provided in the act to which this is supplemental; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education, as organized on the said fourteenth day of April, 1868, be and the same is hereby authorized and empowered to act under and by virtue of the provisions of the act to which this is supplemental, and is hereby vested with all the powers therein conferred; and the said board of education and its officers, elected as aforesaid, shall act under and be subject to its provisions.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 25, 1868.

#### AN ACT

To authorize the county treasurer and auditor of Shelby county to collect the surplus revenue belonging to said county, outstanding; and also authorizing the county commissioners of said county to transfer the same to any fund they may think proper.

WHEREAS, the county of Shelby has fully paid to the state her portion of the surplus revenue fund, and said county has remaining, loaned out to citizens of said county, about the sum of six thousand dollars, which has accumulated from the portion of said fund belonging to said county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the treasurer and auditor of said county be and they are hereby authorized to collect, by suit or otherwise, all of said fund so outstanding, and pay the same into the county treasury.

SEC. 2. The commissioners of said county of Shelby are hereby authorized and empowered to transfer all or any portion of said fund when collected, to any fund which they may think best for the interests of said county.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 25, 1868.

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#### AN ACT

To authorize the board of education of the incorporated village of Ada, in Hardin county, to borrow money and issue bonds therefor, to complete a school-house in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education in the incorporated village of Ada, in Hardin county, are hereby authorized to borrow two thousand dollars for the purpose of completing a school-house in said village.

SEC. 2. For the purpose aforesaid, the said board of education are hereby authorized and empowered to issue bonds signed by the president and secretary of said board, in sums of not less than fifty dollars each, and bearing interest at a rate not exceeding eight per centum per annum, payable annually, and the principal of said bonds to be payable at any time within five years, at the discretion of said board; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That said board of education are hereby empowered to levy a tax annually on all the taxable property of said school district sufficient to pay the interest on all of said bonds annually, and the principal of said bonds respectively as they shall fall due; which levy shall be placed on the tax duplicate by the auditor of the county, and collected as other taxes are collected.

SEC. 4. This act shall take effect on and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 28, 1868.

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#### AN ACT

To authorize the trustees of Chester township, Morrow county, to levy a tax to purchase a site and build a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Chester township, Morrow county, be and the same

are hereby authorized and empowered to purchase a site and build a town hall thereon.

SEC. 2. For the purpose of providing means to pay for said site and town hall, said trustees are hereby authorized and empowered to use any money in the treasury, not needed for the purpose for which it was raised; and further, to levy a tax on all the taxable property in said township, to raise a sum of money not exceeding five hundred dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30th, 1868.

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#### AN ACT

To authorize the town council of the incorporated town of Franklin, Warren county, to levy a tax to erect break waters for the protection of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated town of Franklin, in the county of Warren, are hereby authorized to levy a tax and collect the same on all the taxable property in said incorporated town, not exceeding three thousand dollars, for the purpose of erecting break waters for the protection of said town.

SEC. 2. This act shall take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

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#### AN ACT

To provide for surveying and platting certain lands in Hocking county.

WHEREAS, It appears that certain lands situate in township thirteen of range fifteen, and townships twelve and thirteen of range sixteen, in Hocking county and in the "Ohio company purchase," were by said company surveyed partly into tracts denominated "fractions," estimated to contain two hundred and sixty-two acres each, and partly into tracts denominated "lots," estimated to contain one hundred acres each, but in fact the real number of acres in said sub-division greatly exceeds the estimated number; and,

WHEREAS, Said sub-divisions were laid out without reference to section lines, and the original survey in many respects being incorrect; and,

WHEREAS, A pertinent description of said sub-divisions, as now owned, cannot be entered upon the tax duplicate for purposes of taxation, so

as to enforce the collection of taxes assessed against said lands by sale thereof in case of the non-payment of taxes; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of said Hocking county be and they are hereby authorized, whenever they may deem the same necessary, for making a pertinent description thereof upon the tax duplicate, to cause said lands to be surveyed and platted as the several titles to the sub-divisions thereof may require, and to number said lots consecutively, commencing with number one in each section so surveyed and platted, which surveys and plats shall be deposited in the office of the county recorder and said recorder shall record the same in a book or books denominated "Plats of Sections;" and after such record shall have been made, the numbers so given to said sub-divisions shall be deemed in law a sufficient description of said lands for all purposes of taxation and conveyancing.

SEC. 2. That for the purpose of carrying into effect the provisions of the first section of this act, the said commissioners shall have power to employ a competent surveyor to survey, plat and number said sub-divisions, which surveyor shall have all the powers conferred by law upon county surveyors.

SEC. 3. That said county commissioners shall allow said surveyor and county recorder compensation to be paid out of the county treasury for services required of them by this act, not exceeding the compensation provided by law for similar services; provided, that no compensation shall be allowed and paid said surveyor and recorder for said services, until one or more entire section or sections shall have been surveyed, platted, numbered and recorded in accordance with the provisions of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30, 1868.

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#### AN ACT

To amend an act entitled an act to amend the act entitled an act to create and establish a common school fund in part of the county of Warren, composed of the Virginia Military District, passed Feb. 20. 1834. (Laws, vol. 32, page 100)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above named act be amended to read as follows:

Section 1. That the fund heretofore created and established in the Virginia military district lying and being in the county of Warren, for the support of common schools in said district, known and designated by the name of common school fund for that part of said county and no other, and declared to be forever irreducible, and the income arising therefrom to be appropriated and applied for the support of common schools therein, and to no other purpose or use whatever. The money in the possession of the superintendent, or by him loaned out, and the money that now is or may hereafter be paid into the state treasury for the sup-

port of schools outside the Virginia military district, which, on a distribution thereof, shall belong to the inhabitants of that part of Warren county aforesaid, together with all gifts, grants or donations made to said fund by any person or persons in either real or personal property, which gifts, grants or donations shall always be used and applied according to the will and instructions of the grantor or donor; and gifts, grants or donations made to the fund aforesaid, shall, when the same be by will, deed or otherwise, given or granted in the name of the superintendent and to his successor in office, and shall be good and available in law, and shall convey and forever invest such estate in said fund according to the true intent and meaning of this act.

SEC. 2. That there shall be elected by the members of the boards of education of the several townships, parts of townships, separate and special school districts, in that part of the county of Warren entitled to said school fund, at the regular meetings of the township boards of education, on the third Monday of September, 1863, and biennially thereafter, a suitable person, who shall have the qualification of an elector in said district, who shall be superintendent of the common school fund in that part of the county of Warren aforesaid, who shall give bond, with sufficient security, to be approved by the commissioners of said county of Warren, made payable to the treasurer of said county, or his successors in office, in the penal sum of double the amount of said fund that may come into his hands, conditioned for the faithful performance of the duties required of him by this act, and for the safe keeping of all moneys that may come into his possession, which bond shall be filed with and recorded by the county recorder; and the returns of said elections shall be signed, sealed and delivered by the clerks of the several boards of education before designated, to the auditor of said county, on or before the first Monday following said elections, at which time the said county auditor, in the presence of the clerk of the court of common pleas and probate judge, shall open, count and declare the result, and therefrom issue a certificate of election to the person having received the highest number of votes.

SEC. 3. That the superintendent shall have the management of the school fund aforesaid, and it shall be his duty to loan all moneys belonging to said fund, and it shall be lawful for him to loan the same at such interest as he shall deem expedient, not less than six per cent. per annum, and to cause the same to be secured by mortgage on real estate, free from all incumbrance, and the value of which shall, in the opinion of the superintendent, be double the amount of the money so loaned; and the said estate shall be situate within the county of Warren, and no loan shall be for a less sum than one hundred dollars, nor more than one thousand dollars, and shall not be loaned for a longer time than two years nor less than one year, and the interest thereon shall be paid to the superintendent on the third Monday of March and on the third Monday of August, in each and every year; and all loans shall be, and the same are hereby declared to be due for the non-payment of interest thirty days after the time stipulated for such payment.

SEC. 4. That no mortgage shall be taken on property unless the same shall be, exclusive of the improvements thereon, of double the value of such loan made by the superintendent.

SEC. 5. That in all cases when loans shall be obtained by virtue of this act, and payment of principal or interest shall not be made within thirty days after the same becomes due, it shall be the duty of the superintendent to cause suit to be commenced for the recovery of the same on



the mortgage given for the surety of such payment; and if such mortgaged premises shall be offered for sale by virtue of such suit, the superintendent may, if he shall be of opinion it will advance the interest of the school fund hereby created, purchase in the same for that purpose, and may receive a deed as such superintendent for the benefit of such fund, and shall have power to lease, sell and convey the same as he shall deem best, which shall never be for less than the amount at which the superintendent purchased in the same, together with the interest from the time of such purchase; and the money accruing from such lease, and the interest arising from such sale, shall be distributed as by this act is provided.

SEC. 6. That it shall be the duty of the county auditor to make out and forward to the said superintendent, on the first Monday of March in each year, an enumeration of the children in said Virginia military district between the ages of five and twenty-one years. It shall be the duty of said superintendent, on the second Monday of April and on the second Monday of September, each year, to forward to the several township clerks whose townships are, in whole or in part, within said Virginia military district, and clerks of separate and special school districts in said Virginia military district, an abstract of the amount due each special, separate and sub-district in their respective townships; and all distributions of moneys made to said districts shall be paid to the treasurers of the several townships, and treasurers of the separate and special school districts, upon the order of the township clerks respectively.

SEC. 7. It shall be the duty of the county auditor to draw an order on the county treasurer in favor of the superintendent of said school fund for the amount of all school moneys that may be paid into the treasury on account of said fund each year, and the superintendent shall invest the same as directed in section three of this act. The income that may arise from the fund belonging to said district, as well as all other moneys that may come into the hands of said superintendent for distribution, shall be distributed among the several special, separate and sub-districts in proportion to the enumeration of children in said district between the ages of five and twenty-one years, as directed in section six of this act, and shall be applied to the payment of a teacher or teachers only, and for no other purpose.

SEC. 8. That the superintendent shall provide a book in which he shall charge himself, as superintendent, with all moneys that may come into his hands as superintendent by virtue of this act, and shall credit himself with the disbursements thereof; and he shall open an account with each district in that part of said county, and shall charge such district with the amount of money it shall receive by virtue of this act, and shall keep a record of the list and enumeration furnished him by the auditor of the county of the number of children in each district; and the superintendent shall exhibit his books and proceedings under this act to the county commissioners, at their second annual session in each and every year, whose duty it shall be to carefully examine the same, and the commissioners shall cause an abstract of such proceedings, together with the amount of such fund and the proceeds arising from the same, to be published in some newspaper in the county of Warren, and of general circulation in the county; and the expenses of such publication shall be paid out of the proceeds arising from such fund.

SEC. 9. That the auditor of state shall, from time to time, draw an order on the treasurer of state in favor of the treasurer of Warren county for the amount of all dividends that shall belong to that part of the said

county of Warren, of the money now in the state treasury or that shall hereafter be paid in, arising or accruing from the proceeds of the Virginia military school lands; and it shall be the duty of the treasurer of Warren county to pay over the same to said superintendent, on the order of the auditor of said county of Warren.

SEC. 10. It shall be the duty of the superintendent, at the expiration of his term of service, to deliver over to his successor in office all books, papers, vouchers, moneys and effects that may be in his hands belonging to said fund; and said superintendent shall, for his services, be allowed to retain, out of the proceeds of said fund, two per cent. on all moneys by him received by virtue of this act, as a compensation in full for his services as superintendent.

SEC. 11. That it shall be the duty of the recorder of the county of Warren to record all deeds, mortgages and other instruments of writing made or given in pursuance of this act, which, by the laws of this state, are required to be recorded, without any fee, charge or compensation for the same; and it shall be the duty of the prosecuting attorney of said county, on application made to him by the superintendent, to commence and prosecute any suit or action arising under the provisions of this act, as a part of his official duty, without fee, charge or compensation.

SEC. 12. The superintendent elected as provided in section two of this act, shall hold his office for and during the term of two years, and until his successor is elected and qualified; and it shall be the duty of said superintendent, at the expiration of his term of office, to deliver to his successor all moneys, books and papers in his possession or subject to his control, belonging to or appertaining to his office, or said Virginia military district; and it shall be the duty of the superintendent, before he enters on the discharge of his duty, to take an oath or affirmation, faithfully and impartially to discharge the duties of his said office; which oath or affirmation shall be entered upon the bond given by the said superintendent by the person administering the same. Should the office of said superintendent become vacant by resignation, death or otherwise, it shall be the duty of the commissioners of the county of Warren, to appoint some competent person in said Virginia military district, to fill the unexpired term in said office.

SEC. 13. An act to amend an act entitled an act to create and establish a common school fund in that part of the county of Warren composed of the Virginia military district, passed February 20th, 1834, is hereby repealed; provided, that no proceeding or rights arising under said act shall be affected thereby.

SEC. 14. This act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed April 30, 1868.

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#### AN ACT

Authorizing the commissioners of Marion county to levy a tax to purchase fair-grounds for the agricultural society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Marion county be and they are hereby author-

ized to levy on the grand duplicate of said county, at their June session, for the years 1868, 1869 and 1870, a sum sufficient—not exceeding one-half mill, for each of said years, on the dollar, of the taxable property in said county—for the purchase and improvement of fair-grounds of Marion county agricultural society.

SEC. 2. It shall be the duty of the board of directors of said agricultural society to certify to the county auditor, on or before the first Monday in June in each of the above years, the amount necessary to be expended during the current year for such purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act; which amount so certified shall by said auditor be placed on the grand duplicate of said county, and collected by the treasurer of said county, in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer as aforesaid, in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected, to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient surety, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds and improvements purchased and made as aforesaid, and all grounds owned by said agricultural society as sites whereon to hold their fairs, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society be dissolved, or cease to exist, all of said grounds and improvements so owned by such society shall vest in fee in said county of Marion.

SEC. 5. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed April 30, 1868.

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#### AN ACT

To change the line between Union and Mill townships, in Tuscarawas county, and attach certain territory to Mill township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the township line between Union and Mill townships, in Tuscarawas county, be and the same is hereby changed as follows: Beginning at the south-east corner of the south-west quarter of section thirty-one, in township fourteen and range seven, in Union township, on the dividing line between the townships of Mill and Union, in said county; thence north along the dividing line between said south-west quarter and the south-east quarter of said section thirty-one, to the south-east corner of the north-west quarter of said section thirty-one; thence west along the line dividing said north-west and south-west quarter sections, to the south-west corner of said north-west quarter section thirty-one; thence north

along the west line of said north-west quarter section thirty-one, dividing it from a sub-division of the four thousand acre Spencer tract, it being a part of the first quarter, seventh township, range one of military lands, to the north-east corner of lot number six, in said Spencer tract; thence west along the north line of said lot number six and lot number two of said Spencer tract, until it strikes the dividing line between said Mill and Union townships, in said county; and that all the lands between the line aforesaid and the present line between said townships, be and the same are hereby attached to said Mill township.

SEC. 2. This act to take effect from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To authorize the commissioners of Montgomery county to levy an additional bridge tax to that now authorized by law.

WHEREAS, It appears by representation made by the county commissioners of the county of Montgomery, that a larger bridge fund is absolutely required for the purpose of building and renewing bridges in said county, made necessary by the floods of the past two years; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Montgomery be and they are hereby authorized to levy for the years 1868 and 1869, a tax for bridge purposes of not more than one mill in addition to the amount now authorized by law, on the taxable property of said county.

SEC. 2. That this act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 5, 1868.

#### AN ACT

To authorize the Second Baptist church, in the incorporated village of Salem, in the county of Columbiana, and the state of Ohio, to sell their church property, and dispose of the proceeds of such sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Richard H. Garrigues, Daniel Walton and Lewis T. Park, surviving trustees of the Second Baptist church of Salem, in the incorporated village of Salem, in the county of Columbiana, and state of Ohio, are hereby

authorized and empowered to sell the church building, and lot upon which such building stands, now owned by said church, either at public or private sale, as to such surviving trustees may seem best; and upon such payment or payments, and upon such terms of credit, as such surviving trustees may judge best; and upon such sale said surviving trustees are hereby authorized and empowered to make, execute, and deliver, to the purchaser or purchasers of such property, a deed or deeds, conveying said property to such purchaser or purchasers in fee simple, and such deed or deeds shall convey all the interest of said church therein to such purchaser or purchasers; and when such surviving trustees shall have received the money arising from such sale, they are hereby authorized and empowered to pay over said money to the trustees of "The Baptist Church of Salem," a newly organized church in said incorporated village of Salem, county of Columbiana, and state of Ohio, to be applied by such trustees of "The Baptist Church of Salem" in the purchase of a lot in said incorporated village of Salem, and the erection of a church building thereon.

SEC. 2. This act shall be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

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#### AN ACT

To authorize the trustees of the township of Twinsburg, Summit county, to levy a tax for the purpose of improving the public square at the center of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Twinsburg, in Summit county, are hereby authorized to levy a tax on the taxable property of said township, not to exceed the sum of fifteen hundred dollars, for the purpose of fencing and improving the public square at the village of said township as provided in section two.

SEC. 2. That it shall be the duty of the trustees to submit the question of tax or no tax to the qualified electors of said township of Twinsburg, at the next annual election, and if a majority favor the same, said trustees are hereby authorized to levy said tax, and may then borrow an amount not exceeding fifteen hundred dollars for purposes above stated, at a rate of interest not exceeding eight per cent., to be paid by moneys so assessed and collected as provided in section one of this act.

SEC. 3. This act shall take effect from and after its passage.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

## AN ACT

To authorize the commissioners of Ottawa county to levy a tax to improve the navigation of Portage river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Ottawa, in this state, be and hereby are authorized and empowered to levy an additional tax upon the taxable property of said county, at their June session in the year 1868 or 1869, not to exceed in all the sum of fifteen hundred dollars, for the purpose of improving the channel of Portage river, in said county, and removing bars in said river, near the town of Port Clinton, by dredging the same.

SEC. 2. That the money so raised shall be expended under the direction of said county commissioners, and shall not be used for any other purpose.

SEC. 3. This act shall be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 8, 1868.

## AN ACT

Supplementary to the act entitled an act to authorize the commissioners of Butler county Ohio, to levy a tax to build a free bridge across the Great Miami river at Hamilton, passed January 28, 1867. (See O. L., vol. 64, p. 267.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Butler county, Ohio, be and they are hereby authorized to collect such rates of tolls on the Hamilton iron wire suspension bridge across the Great Miami river, at Hamilton, in said county, as they may deem necessary and proper to maintain and keep said bridge in repair and to pay the salary of the toll gatherer and watchman on said bridge, and to appropriate so much land adjacent to said bridge as may be necessary for toll-houses, under the same rules and proceedings as are now by law provided for the appropriation of private property to public uses; provided, that if the city council of the city of Hamilton, in said county of Butler, shall, by contract with the said commissioners, agree to maintain said bridge and keep the same in repair, then the said commissioners, so long as the said city council shall, in good faith, comply with the terms and conditions of said contract and maintain and keep said bridge in repair, the said commissioners shall suspend the collection of said tolls.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 8, 1868.

## AN ACT

Further to provide for building a bridge over Mill Creek, at or near the western terminus of Eighth street, in the city of Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county, be and they are hereby authorized to levy on all the taxable property within said county a tax sufficient to build a bridge across Mill creek, at or near the western terminus of Eighth street, in the city of Cincinnati, and to make approach thereto from the west; provided, that the whole amount hereafter levied under this act shall not exceed one-eighth of one mill on the dollar of said taxable property.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

## AN ACT

To amend "an act authorizing the commissioners of Madison county to levy a tax to purchase additional grounds for the agricultural society of said county," passed March 30, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the above recited act be so amended as to read as follows:

Section 1. That the commissioners of Madison county be and they are hereby authorized to levy on the grand duplicate of said county, at their June sessions for the years 1868, 1869 and 1870, a sum sufficient, not exceeding a half mill for each of said years on the dollar of the taxable property in said county, for the purchase and improvement of fair grounds for the Madison county agricultural society.

SEC. 2. That said original section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8th, 1868.

## AN ACT

To authorize the incorporated village of Beverly, in the county of Washington, in the state of Ohio, to levy a tax for the purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Beverly, in the county of Washington, in the state of Ohio, is hereby authorized to levy a special tax, not to exceed fifteen hundred dollars, on the taxable property of said

village, for the purpose of making a culvert and fill across sixth street in said village.

SEC. 2. This act shall be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### AN ACT

To change the township line between the townships of Lawrence and Sandy, in Tuscarawas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township line between the townships of Lawrence and Sandy in the county of Tuscarawas is hereby established to run with the west bank of the Tuscarawas river, and that portion of land west of said river formerly belonging to Sandy township is hereby attached to and made to form a part of Lawrence township.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9th, 1868.

#### AN ACT

To change the bounds of East Cleveland and Newburgh townships, in Cuyahoga county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That that portion of Newburgh township in Cuyahoga county lying within the metes and bounds hereinafter described be and it is hereby detached from Newburgh township and attached to East Cleveland township in Cuyahoga county, to-wit: The whole original one hundred acre lots Nos. 334, 335, 336, 407, and 408.

SEC. 2. That the commissioners of the county shall proceed without delay, after the passage of this act, to give notice of the change of said bounds through some newspaper having general circulation in the county, and cause a plat of the territory herein described, with its geographical relations to the territory to which it is hereby annexed, to be made and filed with the auditor of the county.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9, 1868.



## AN ACT

To authorize the council of the incorporated village of Middletown, Butler county, to borrow money for sewerage purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Middletown, Butler county, Ohio, be and they are hereby authorized to borrow fifteen thousand dollars for sewerage purposes, and issue bonds for the same, payable in one, two and three years; said bonds to bear interest at the rate of six per cent. per annum.

SEC. 2. This act to take effect and be in force from and after its passage.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 9th, 1868.

## AN ACT

To authorize the council of the incorporated village of Washington C. H., Fayette county, Ohio, to improve the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Washington C. H., Fayette county, Ohio, are hereby authorized and empowered to borrow money, not exceeding in all the sum of ten thousand dollars, to be used and applied to the purposes of improving the streets of said village, and to provide for the payment of the same; to issue the bonds of said village, bearing interest not exceeding the rate of six per centum per annum, payable at such times as said council may deem advisable, but not to extend beyond the period of five years from the date of the first issue. Said bonds shall be signed by the mayor and countersigned by the recorder.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same may become due, said council is hereby authorized to levy a tax annually upon the taxable property within said village sufficient for the purpose, not exceeding three mills on the dollar in any one year.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.

## AN ACT

To authorize the commissioners of Tuscarawas county to build a bridge across the Tuscarawas river about three miles above Canal Dover, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county, Ohio, be and they are

hereby authorized to levy, in addition to other levies authorized by law, a tax on all the taxable property within said county, not exceeding fifteen thousand dollars, for the purpose of building a bridge across the Tuscarawas river about three miles above the village of Canal Dover, in said county.

SEC. 2. This act shall take effect from its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

To provide for the removal of the seat of justice of Ottawa county, Ohio, from the town of Port Clinton to the town of Oak Harbor, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the taking effect of this act, as hereinafter provided, the seat of justice in the county of Ottawa shall be removed from the town of Port Clinton, and shall be permanently fixed, until otherwise provided by law, at the town of Oak Harbor, in said county.

SEC. 2. That the foregoing section of this act shall take effect and be in force when and so soon as the same shall be adopted by a majority of the electors of said county of Ottawa, voting at the next general election after the passage thereof, as hereinafter provided.

SEC. 3. The electors of said county of Ottawa, at the next general election after the passage of this act, shall indorse or otherwise place on their ticket either the words, "For removal and for taxation not exceeding ten thousand dollars," or "Against removal and against taxation," and if a majority of all the electors of said Ottawa county, voting at said election, shall vote "for removal," the first section of this act shall thereupon be considered and holden to be adopted by such majority; provided, that all the tickets upon which the words "For removal and for taxation not exceeding ten thousand dollars," shall not be indorsed or otherwise placed, shall be taken and considered as votes against removal as fully as though the words "Against removal and against taxation," were indorsed or otherwise placed thereon.

SEC. 4. That the judges and clerks of election in the several townships in said county, at the said general election, shall cause all the votes that may be given for removal and for taxation not exceeding ten thousand dollars, or against removal and against taxation, to be correctly counted in the same manner that other votes are by law required to be counted, (in doing which all tickets upon which the words "For removal and for taxation not exceeding ten thousand dollars," shall not be indorsed or otherwise placed, shall be counted as votes against removal and against taxation, as fully as though the words "Against removal" were indorsed or otherwise placed thereon,) and they shall enter and certify in the poll books, respectively, of said general election, the number of votes so counted for removal and taxation aforesaid, and the number so counted as against removal, which poll books shall be returned and opened as required by the acts regulating said general election and the opening of the returns thereof; and the officers opening the returns of said election shall, at the same

time that they make, certify and sign the abstracts required by law, also make, certify and sign a separate abstract of all the votes so returned for removal or against removal, showing the number so given in each township, and the footings or aggregate number so given in all the townships, which abstract shall forthwith be deposited in the clerk's office in said county, and shall forthwith be recorded by the clerk in the journal of the court of common pleas of said county, which record, or duly certified copy thereof, shall be taken and received as legal evidence for all purposes of the result of said voting, and if a majority of the electors at such election shall vote for such removal and taxation, the commissioners of said county shall proceed to levy taxes, which shall be placed upon the duplicate and collected as other county taxes are, to such amount of money, not exceeding ten thousand dollars, in addition to the appraised value of the county buildings at Port Clinton, as may be necessary to build and complete at said Oak Harbor suitable public buildings for said county; provided, that the amount raised by taxation, in any one year, shall not exceed one-half of the amount so found to be necessary to build and complete such buildings.

SEC. 5. That in case a majority of the electors in said county of Ottawa, shall vote for removal and for taxation, as herein provided, the first section of this act shall not take effect until the citizens of Oak Harbor shall have filed a bond, with good and sufficient sureties, to the acceptance of the court of common pleas, in double the amount of the appraised value of the county buildings at Port Clinton, conditioned for the payment, in money, into the treasury of said county, of the value of the present county buildings at Port Clinton, at such time and in such installments as may be required by said county commissioners, for the erection of a court house, and other necessary buildings for said county, at Oak Harbor; provided, that for the purpose of ascertaining the actual value in money of the present county buildings at Port Clinton, the court of common pleas shall appoint three disinterested, discreet men, not residents of Ottawa county, who, after being first duly sworn to honestly and impartially appraise the aforesaid county buildings, shall, upon actual view, appraise said county buildings at their true value in money, and make returns thereof to the court of common pleas, and the bond herein provided for shall be deposited with the clerk of said court.

SEC. 6. It shall be the duty of the sheriff or coroner, as the case may be, to cause proclamation to be made to the qualified voters of said county, in the same manner and at the same time as by law he is required to do in other elections, notifying said electors to vote as aforesaid upon the question by this act submitted to them; provided, however, that the omission to publish such proclamation shall not be deemed to impair the validity of any returns that are made in pursuance of section four of this act, and in such case the judges of election shall, nevertheless, return abstracts of the vote as hereinbefore provided.

SEC. 7. The sections of this act, subsequent to the first section, shall take effect and be in force on the passage of this bill.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 13, 1868.

## AN ACT

To authorize the county commissioners of Hamilton county to procure additional lands for the use of the Longview asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county be and they are hereby authorized and empowered to levy, on the grand list of taxable property of said county (in addition to the taxes now authorized by law), a tax not to exceed two-tenths (2-10) of a mill on the dollar of the valuation thereof, for the purpose of acquiring additional lands for the use of Longview asylum, and to spend the sum in obtaining such additional lands as may be deemed advisable by the said commissioners and the directors of said Longview asylum.

SEC. 2. That if it shall be deemed advisable by said commissioners and by the directors of said Longview asylum, to retain and hold that farm adjoining Longview asylum, containing about sixty-three acres, known as the infirmary farm, to and for the use of said Longview asylum, said county commissioners, upon the request of the directors of said Longview asylum, be and they hereby are authorized and empowered, instead of selling said infirmary farm, to hold and retain the same for the use of said Longview asylum and as a part thereof, and thereupon to transfer to the infirmary fund of said Hamilton county, so much of the funds raised under the first section of this act, as shall be a fair equivalent for the value of said farm, to be used and expended as provided in the act passed April 8th, 1865, entitled "an act to authorize the county commissioners of counties having a population by the last federal census of one hundred thousand inhabitants or upwards, to erect county infirmary buildings and to levy a tax therefor," for the proceeds of sale of infirmary farm.

SEC. 3. This act to take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

## AN ACT

To authorize the trustees of Spring Valley township, Greene county, to levy a tax to pay money borrowed by certain citizens of said township, for the purpose of procuring volunteers to fill the quota of the township under the call of the president of the United States, of December 19, 1864.

WHEREAS, At a meeting of the citizens of Spring Valley township, Greene county, A. D. Williamson, Jonas Stump, Moses Evans, Robert P. Haynes, I. M. Barrett and Jonathan Ellis, were appointed a committee to procure volunteers to fill the quota of said township, under said call of the president for troops, and to raise by subscription or otherwise, the funds necessary to that end; and,

WHEREAS, The above-named persons acting as such committee, borrowed the sum of five thousand six hundred and twenty-four dollars, for the purpose of paying bounties to volunteers to fill the quota of said township, under said call; and,

WHEREAS, The above-named persons expended the said sum of five

thousand six hundred and twenty-four dollars, together with funds derived from subscriptions, in the payment of bounties to volunteers, for that purpose, and by means whereof the said township was relieved from the draft under said call; and,

WHEREAS, The above-named persons are personally responsible for the said sum of money and interest thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Spring Valley township, Greene county, be and they are hereby authorized to levy upon the taxable property of said township, for the year 1868, a tax sufficient to pay the said A. D. Williamson, Jonas Stump, Moses Evans, Robert P. Haynes, I. M. Barrett and Jonathan Ellis, the said sum of five thousand six hundred and twenty-four dollars for money borrowed by them on the authority of a public meeting of the citizens of said township, to pay bounties to volunteers to clear said township from draft under the said call of the president for troops, and also the interest thereon from the 13th day of February, A. D. 1865.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

#### AN ACT

For the relief of James Gwaltney.

WHEREAS, During the time James Gwaltney was acting township treasurer of Morgan township, Butler county, Ohio, his house was broken open and robbed of five hundred and fifty dollars, township and school funds, belonging to said township; and,

WHEREAS, James Gwaltney did promptly pay over and refund the said money so stolen, to the sacrifice of his own pecuniary affairs, together with a large amount expended in prosecuting parties charged with the theft; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Morgan township, Butler county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property of said township, to refund to James Gwaltney five hundred and fifty dollars money so stolen from the township treasury.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 13, 1868.

SEC. 3. The township trustees and the board of education of said township of Washington, Franklin county, Ohio, shall each certify to the county auditor of said county, the amount of tax necessary, not exceeding the amounts specified in the first and second sections of this act, which shall be entered upon the duplicate and collected in like manner as other taxes are collected.

SEC. 4. Said town hall and school house shall forever be and remain under the control of said board of education and township trustees.

SEC. 5. The board of education and township trustees shall have the control and management of the construction of said school house and town hall, and may, if they choose to do so, for the purpose of constructing the same, issue the bonds of said township, in anticipation of the receipt of said levies, at a rate of interest not exceeding eight per cent. per annum.

SEC. 6. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 14, 1868.

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#### AN ACT

To amend an act entitled "an act to provide for the better regulation of common schools in the city of Cincinnati," passed January 27, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections two and three of "an act to provide for the better regulation of the common schools in the city of Cincinnati," passed January 27, 1853, be so amended as to read as follows :

Section 2. At every annual election of city officers there shall be elected in each ward of said city, by the qualified voters thereof, one judicious and competent person having the qualifications of an elector in Cincinnati, to serve as a member of the board of education of the common schools of said city for two years from the first Tuesday in July succeeding his election, and until his successor shall be elected and qualified ; and the person so elected, together with the number of such board from the several wards of said city already elected for two years, and whose term will not expire until a succeeding year, shall constitute a body to be designated a "board of education;" and the members, of which the same may be composed shall perform the duties of the "trustees and visitors of the common schools;" and whenever there may be any change in the number or alterations in the boundaries of the wards of said city, said board of education shall, in case of doubt, declare what wards will be unrepresented, and whether there should be elected one or two members of such board in each unrepresented ward, so that all the wards of said city may have their proper quota of representation ; and there shall be elected at the next ensuing annual city election in such city, one or two members of said board of education for each unrepresented ward as the case may be ; and if only one member, then he shall

be elected for the term of two years, and if two members, then one shall be elected for the term of two years and one for the term of one year, and until the organization of the new board in the succeeding July; the board as constituted, when such addition or alteration of wards may have taken place, shall be *de facto* the board of education to all intents and for all purposes whatsoever; it is also hereby enacted that any persons elected as members of such board of education at the city election in the year 1868, in accordance with the proclamation of the mayor of said city, in any of the new wards in said city established, are hereby authorized and empowered to act as members of such board, notwithstanding any defects in said original section two relative to the election of members in newly established wards.

Section 3. On the annual organization of such board of education in July, there shall be chosen a president, a vice-president and corresponding secretary, and the said board may appoint and fix the salary of a superintendent, clerk and messenger, and prescribe their duties. The members of such board shall hold their regular meetings once every week, but may in case of an emergency adjourn for the term of two weeks, on a vote of a majority of all the members; they shall hold their meetings at such time and place as may be convenient, and a majority of all the members shall constitute a quorum, and they shall be empowered to fill all vacancies in their body, which vacancies shall be filled without delay. Before entering upon a discharge of their respective duties, the members of such board shall take an oath of office, and any member who shall fail to take such oath within four weeks from the annual organization in July, or any person elected to fill a vacancy who shall not take such oath of office within four weeks from the time of being notified of such election, or any member of such board who shall absent himself from the regular meetings of such board for four consecutive weeks, without obtaining a leave of absence, shall, in each of these cases, forfeit his office, unless from personal sickness, or further time shall have been given him by action of such board previous to the termination of such four weeks. Such board shall also be authorized to make such by-laws, rules and regulations for their own government, not inconsistent with the laws of the state, as they may deem proper and expedient; shall be empowered, with the concurrence of two-thirds of the members, to expel a member for disorderly conduct, but not the second time for the same offense; and such board shall also cause a record of their proceedings to be kept in a book provided for that purpose.

SEC. 2. That such original sections two and three in the act above referred to be repealed, and this act shall take effect from and after its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 14, 1868.

#### AN ACT

To authorize the council of the incorporated village of Marion to issue bonds and borrow money to improve the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Marion, in the county of

Marion, in the State of Ohio, be and are hereby authorized to issue the bonds of said village to the amount of ten thousand dollars, payable in ten annual installments of one thousand dollars each, bearing a rate of interest not exceeding six per cent., payable annually.

SEC. 2. That the bonds provided for in the preceding section shall be signed by the mayor, attested by the recorder, and registered by date, number and amount, in the records of the recorder of said village, and sold in such manner as the council of said village shall direct; provided, said bonds shall not be sold for less than their par value.

SEC. 3. The corporate authorities of said village shall levy, annually, a special tax, sufficient in amount to pay one thousand dollars of the principal of said bonds and the interest on the whole principal remaining unpaid at the time of the levy, which shall be certified to the auditor of said county, placed on the duplicate against all the taxable property within the corporate limits of said village, and collected as other taxes by the county treasurer, and paid out upon the warrants of the county auditor, upon the requisitions of the recorder of said village to the parties entitled to receive the same.

SEC. 4. The money received from the sale of said bonds, shall be applied by the corporate authorities of said village, to the improvement of the streets of said village, and for no other purpose whatever.

SEC. 5. This act shall take effect from its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

To authorize the county commissioners of Fayette county to levy additional taxes for general purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Fayette county are hereby authorized to levy, in addition to the taxes now authorized by law, for the year A. D. 1868, a sum not exceeding one-half mill on the dollar of the taxable property of said county, for general county purposes.

SEC. 2. This act to take effect on its passage.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 16, 1868.

#### AN ACT

To extend the provisions of an act passed April 13, 1867, entitled "an act supplementary to an act to authorize the erection, improving, enlarging or constructing additions to town halls, and to repeal an act therein named," passed April 2, 1866. (Ohio Laws, vol. 64, page 143) to the township of Russia and the incorporated village of Oberlin, in the county of Lorain.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Russia and the council of the incor-



porated village of Oberlin, in the county of Lorain, are hereby authorized and empowered to proceed to borrow money and issue bonds for the erection of a town and township hall in said village of Oberlin, in accordance with the provisions of the above recited act, and the provisions of said act are hereby extended so as to embrace said township and village, and all the authority in said act, conferred upon cities of the second class not having a population exceeding sixteen thousand inhabitants, is hereby conferred upon the trustees of said township of Russia and the council of said incorporated village of Oberlin, for the purposes therein named.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Passed May 16, 1868.

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OFFICE OF SECRETARY OF STATE,  
Columbus, June 1, 1868.

I hereby certify that the foregoing General and Local Laws are correctly copied from the original rolls on file in this office.

JOHN RUSSELL,  
*Secretary of State.*

# JOINT RESOLUTIONS.

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## JOINT RESOLUTION,

Relating to withdrawing the assent of the State of Ohio from the proposed XIV constitutional amendment.

Rescinding resolution passed January 11, A. D. 1867, relative to amending the constitution of the United States, and withdrawing the assent of the state of Ohio to the proposed XIV constitutional amendment.

WHEREAS, On the 11th day of January, A. D. 1867, the following joint resolution was adopted by the General Assembly of the State of Ohio, to wit:

“ WHEREAS, The General Assembly has received official notification of the passage by both houses of the thirty-ninth congress of the United States, at its first session, of the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof, in the words following, to wit:

*‘ Joint Resolution proposing an amendment to the constitution of the United States.*

‘ That the following article be proposed by the legislatures of the several states, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the constitution, namely:

## ARTICLE XIV.

‘ SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

‘ SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion

which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

'SECTION 3. No person shall be a senator or representative in congress, or elector of president or vice president, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

'SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

'SECTION 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.'

"AND, WHEREAS, Three-fourths of the legislatures of the states composing the United States are required to give assent to the said proposed amendment to the constitution of the United States, before it becomes a part thereof; therefore,

*"Resolved by the General Assembly of the State of Ohio, That we hereby ratify, on behalf of the state of Ohio, the above recited proposed amendment to the constitution of the United States.*

*"Resolved, That certified copies of the foregoing preamble and resolution be forwarded, by the governor of Ohio, to the president of the United States, to the presiding officer of the United States senate, and the speaker of the United States house of representatives."*

AND, WHEREAS, No amendment to the constitution of the United States is valid until duly ratified by three-fourths of all the states composing the United States, and until such ratification is completed, any state has a right to withdraw her assent to any proposed amendment;

AND, WHEREAS, Several distinct propositions are combined in the said proposed amendment, several of which are already fully provided for in the constitution of the United States, and to which no person or party objects; therefore, be it

*Resolved by the General Assembly of the State of Ohio, That the above recited resolution be, and the same is hereby rescinded, and the ratification, on behalf of the state of Ohio, of the above recited proposed amendment to the constitution of the United States, is hereby withdrawn and refused.*

*Resolved, That copies of the foregoing preamble and resolutions, certified to by the speaker of the house of representatives and the president of the senate, be forwarded to the president of the United States, to each of our senators and representatives in congress, and to each of the governors of the respective states.*

*Resolved, That the president of the United States be respectfully requested to cause to be forwarded to the governor of Ohio any and all papers on file in the executive department at Washington, certifying the ratification by the general assembly of Ohio of said proposed constitu-*

tional amendment, and that the presiding officer of the United States senate, and the speaker of the United States house of representatives, be requested to return to the same officer any certificate that may have been filed with them, or either of them, on the subject of said ratification.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. O. LEE,  
*President of the Senate.*

January 15, A. D. 1868.

JOINT RESOLUTION,

Relative to the printing of the governor's message in German.

*Resolved by the Senate and House of Representatives, [General Assembly of the State of Ohio],* That two thousand copies of the governor's message be printed in German, seventeen hundred and fifty of the same for the use of the general assembly, and two hundred and fifty for the use of the governor.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

January 24, 1868.

JOINT RESOLUTION,

Relative to requesting our senators and representatives to urge the immediate repeal of the tax upon raw cotton.

*Resolved, [by the General Assembly of the State of Ohio],* That the general assembly of Ohio do most earnestly request their senators and representatives in congress to take immediate measures to secure the repeal of the tax upon raw cotton.

*Resolved,* That the governor be requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

January 24, 1868.

JOINT RESOLUTION,

In relation to the pay of the messenger boys of the senate and house of representatives.

*Resolved by the General Assembly of the State of Ohio,* That the messenger boys of the senate and house of representatives, be paid two dollars

per day, respectively, for services during the present session of the legislature.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

January 24, 1868.

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#### JOINT RESOLUTION,

Relative to requesting the governor to forward copies of H. J. R. No. 1 to the president, &c.

*Resolved by the General Assembly of the State of Ohio,* That the governor be requested to cause to be forwarded forthwith copies of the joint resolution rescinding resolutions, passed January 11, 1867, relative to amending the constitution of the United States, and withdrawing the assent of the state of Ohio to the proposed XIV constitutional amendment, passed January 15, 1868, as provided in said joint resolutions.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

January 27, 1868.

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#### JOINT RESOLUTION,

Relative to a joint committee on joint rules.

*Be it resolved by the General Assembly of the State of Ohio,* That a committee of three on the part of the senate, and five on the part of the house, be appointed to report joint rules for the government of the two houses.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

January 25, 1868.

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#### JOINT RESOLUTION,

Relative to heating the halls of the senate and house of representatives.

*Resolved by the General Assembly of the State of Ohio,* That the standing committees on public buildings of the senate and house of representatives, be and hereby are instructed to inquire into the expense and propriety of heating the senate chamber and hall of the house of representatives by means of steam pipes.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted January 30, 1868.

## JOINT RESOLUTION,

In reference to furnishing copies of Gholson and Okey's Digest to law library, officers and others therein named.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state is hereby authorized to furnish one copy of Gholson and Okey's Digest to each of the judges of the supreme court in this state, for the use of such judges and their successors in office; two copies to each of the sergeants-at-arms of the senate and house of representatives, for the use of the judiciary committee of the respective houses; and ten copies to the law library, for the use of the members of the bar, and others having business in the supreme court of this state.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

January 30, 1868.

## JOINT RESOLUTION,

Relative to printing certain reports in the German language, for the use of the members of the general assembly.

*Resolved by the General Assembly of the State of Ohio,* That there be printed in the German language, for the use of the members of the general assembly, fifteen hundred copies of the report of the auditor of state, one thousand copies of the report of the warden of the penitentiary, fifteen hundred copies of the report of the secretary of state, and two thousand copies of the report of the board of commissioners for reform school.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted February 1, 1868.

## JOINT RESOLUTION,

Relative to the transfer of certain pieces of artillery, &c.

*Resolved by the General Assembly of the State of Ohio,* That the governor be authorized to transfer from the state arsenal to the superintendent of the military asylum at Dayton, Ohio, two pieces of artillery, with necessary equipments, to be used in firing salutes on public occasions, and twelve muskets, with accoutrements complete, for the use of military escorts at the burial of inmates of said asylum, the same to be properly receipted for, and returned on demand of the governor.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted February 1, 1868.

## JOINT RESOLUTION,

Relative to the temporary removal of the colors of the 4th Ohio Volunteer Infantry.

*Resolved by the General Assembly of the State of Ohio*, That the custodian of the regimental flags deposited in the state house, be authorized to transfer temporarily to sergeant Robert McCarter, late of the 4th Ohio volunteer infantry, the colors of said regiment, to be used at a reunion of its former members at Delaware, Ohio, on the 30th inst., and to be returned immediately afterwards.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Adopted February 1, 1868.

## JOINT RESOLUTION,

Relative to publishing the proceedings of the general assembly.

1st. *Be it resolved by the General Assembly of the State of Ohio*, That there be a reporter elected by each branch of the general assembly, whose duty it shall be to prepare concise reports of the proceedings of the houses respectively, including the names of members absent without leave, on a "call of the house;" and also the names of members voting "yea" or "nay;" copies of which reports shall be furnished daily by them to the reporters or correspondents of such daily papers of the state of Ohio as may desire the use of the same for publication, free of charge.

2d. *Resolved*, That the reporters so employed by each house, shall be paid at the rate of five dollars per day for the period so employed, out of the funds appropriated for the payment of the expenses of the general assembly.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Adopted February 12, 1868.

## JOINT RESOLUTION,

In relation to inquiring as to particulars of suicide of Alexander Bell, in Central Ohio Lunatic Asylum.

*Be it resolved by the General Assembly of the State of Ohio*, That a committee, consisting of two members on the part of the senate and three members on the part of the house, be appointed to fully investigate and report the circumstances and particulars connected with the suicide, by hanging, of the Rev. Alexander Bell, a lunatic from Monroe county, con-

fined in the Central Ohio Lunatic Asylum, and that said committee be authorized to report by bill or otherwise.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted February 12, 1868.

#### JOINT RESOLUTION,

Relative to refunding ninety dollars, with interest from June 14, 1855, to Thomas McKee.

WHEREAS, Thomas McKee purchased of the state of Ohio, on the 14th day of June, A.D. 1855, the south fraction west half south-west fractional quarter of section seventeen (17), township six south, range four (4) east, containing twenty-eight acres and sixty-hundredths of an acre, paying for the same ninety dollars; and

WHEREAS, Said land did not belong to the state of Ohio, but to the United States, and has been subsequently entered by another person; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the payment of said sum of ninety dollars, with interest from the 14th day of June, A.D. 1855, be provided for in the appropriation bill.

F. W. THORNHILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted February 15, 1868.

#### JOINT RESOLUTION,

In relation to meeting in joint convention on Wednesday January 15, 1868, at noon.

*Resolved by the General Assembly of the State of Ohio,* That the two houses of this general assembly meet in joint convention in the hall of the house of representatives, on Wednesday January 15th, 1868, at 12 o'clock M., for the purpose of such action as may be necessary, relative to the election of a United States senator.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted February 15, 1868.



## JOINT RESOLUTION,

Construing the partial appropriation act.

WHEREAS, By an act of the general assembly of the State of Ohio, entitled an act making partial appropriations for the year 1868, passed February 1st, 1868, appropriations were made for current expenses of the deaf and dumb asylum, and for printing and binding to be done at said asylum; also, an appropriation in the following language, to wit: "For continuing the work on said deaf and dumb asylum, forty thousand dollars;" and, whereas, it was the intention of the general assembly that said sum of forty thousand dollars should be applied in payment for work already done on said asylum, and not in payment of work to be done in the future; and it is doubtful whether the clause of said act above quoted can be construed to authorize the application of said forty thousand dollars to the payment for work already done on said asylum; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the words "For continuing the work on said deaf and dumb asylum, forty thousand dollars," as contained in said act, shall be construed so as to authorize the application of said forty thousand dollars to the payment for work already done on said asylum; and upon the filing of the proper vouchers, the auditor of state shall issue warrants according to the construction put upon said act by this resolution, and the comptroller shall countersign, and the treasurer of state shall pay said warrants.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY.

*President pro tem. of the Senate.*

February 18, 1868.

## JOINT RESOLUTION,

Relating to the investigation by the committees on benevolent institutions, of the two houses, of the transactions of the trustees to locate the new lunatic asylum.

WHEREAS, The third section of an act entitled "an act to provide for the erection of an additional lunatic asylum," passed April 13, 1867, (vol. 64, p. 133 of Ohio Laws), provides that the trustees of said asylum shall submit to some competent architect, a statement of the dimensions, arrangement and plan of said asylum, and of all buildings and other improvements necessary to the perfect utility of said asylum; and also a statement of the several kinds and descriptions of materials which shall be used in the several parts of said improvements, and shall procure to be executed, by said architect, such drafts, descriptions, plans, estimates and profiles of all such proposed buildings and improvements of grounds, as will enable estimates to be made therefrom of all costs of all parts of said work and materials; and said trustees shall at least four weeks before the time of receiving bids herein provided for, place copies of such drafts, descriptions, plans, estimates and profiles in the office of the secretary of state; and,

WHEREAS, It is alleged the trustees of said institution have failed to fully comply with the provisions of the above recited act; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the committees of the senate and house on benevolent institutions be directed to investigate the transactions of the trustees appointed to locate the new lunatic

asylum; also the eligibility of Athens as a site for said asylum, and report at their earliest convenience. Said committee are hereby authorized to send for persons and papers, and examine witnesses in said investigation; and the trustees of said asylum are directed to suspend the awarding of further contracts until the 10th of March, 1868.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Adopted February 24, 1868.

#### JOINT RESOLUTION,

Relative to school lands in the Virginia land district.

WHEREAS, The proceeds of certain lands in this state, by an act of congress passed March 2, 1807, were appropriated for school purposes in that part of the state constituting the Virginia military tract, between the Scioto and Miami rivers, and the title to said lands was vested in the legislature of the state; and,

WHEREAS, There are reasons for believing that said trust has not been faithfully carried out by the agents of the state; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the attorney general and the school commissioner, be and are hereby authorized and directed, jointly, to investigate the matter, and report to the general assembly at their earliest convenience, whether said trust has been carried out in good faith and in compliance with the law of congress and the laws of this state; and they are hereby authorized and empowered to send for persons and papers, so far as it may be necessary, to aid them in said investigations.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed February 24, 1868.

#### JOINT RESOLUTION,

Requesting the auditor of state to report certain information relating to the national banks in the state of Ohio.

*Resolved by the General Assembly of the State of Ohio*, That the auditor of state be and he is hereby requested to report to the general assembly at as early a day [as] possible—

1st. The name and location of each national bank of the state of Ohio.

2d. The amount of the capital of each national bank on which such bank was assessed for taxation each year, prior to June, 1867.

3d. The amount of the surplus fund of each national bank on which taxes were charged each year, prior to June, 1867.

4th. The amount of deposits on which each of said banks was charged with taxes, each year prior to June, 1867.

5th. The gross amount of taxes collected from each of said banks for each year, prior to December, 1867.

6th. The gross amount of certificates for refunding taxes, issued by said auditor to each of said banks, or to the stockholders of each of said banks, under and by virtue of the joint resolution of the general assembly of the state of Ohio, passed April 16th, 1867, designating the amount of taxes to be refunded to each of said banks or the stockholders thereof, in each year prior to December, 1867.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Adopted February 24, 1868.

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#### JOINT RESOLUTION,

Relative to printing and distributing the general laws of this session.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be authorized and directed to have the general laws of this session of the legislature printed as soon as possible after enactment, in forms of sixteen pages, and that he cause five thousand copies of the same to be distributed as follows: Ten copies to each member of the general assembly, and the remainder he shall distribute to the county auditors of the several counties in this state in proportion to their representation in the legislature, unless otherwise directed by the senators or representatives from such counties, said copies to be furnished under existing contracts, and out of the number now required to be printed by law.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 3, 1868.

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#### JOINT RESOLUTION,

Authorizing the Attorney General to settle with Wm. Geller, late treasurer of Morrow county.

*Resolved by the General Assembly of the State of Ohio,* That the attorney general be and he is hereby authorized to accept the state's *pro rata* proportion of six thousand dollars proposed to be paid by Wm. Geller, late treasurer of Morrow county, in full satisfaction and discharge of his liability as such treasurer, and on receipt of the state's said proportion of said sum of six thousand dollars, to release the said Geller from all further liability for moneys of the state which came into his hands as such treasurer and have not been accounted for.

*Resolved, further, That the commissioners of said county, on securing the county's proportion of said sum, be and they are authorized to execute a like release and discharge.*

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed March 13, 1868.

#### JOINT RESOLUTION,

To suspend operations on the new lunatic asylum at Athens, Ohio, until April 1st,  
 A. D. 1868.

WHEREAS, It is continually asserted that the location of the new lunatic asylum at Athens has not been properly made, and that said location, which, it is rumored, has been brought about by some undue influences, is one not calculated to subserve the best interests of the state; and,

WHEREAS, It is also asserted that the title to the land selected by the trustees appointed by the governor to locate this asylum, is not good, and is now being litigated in the courts of this state, a petition in error having been filed by certain parties in interest to vacate the decree of the court of common pleas of Athens county, under or through which the said trustees have derived their supposed title to said land, and certain parties in interest being also about to file a petition in equity to obtain a conveyance of the title to said lands from the state to one Geo. Coats; and,

WHEREAS, The joint committee on benevolent institutions, authorized by a former joint resolution of this house to investigate the action of the said trustees, has made no report of the result of its investigations, and the time for which the action of said trustees was suspended is about to expire without such report being made to this house, therefore,

*Resolved, [by the General Assembly of the State of Ohio] That the trustees of said asylum be and they are hereby required to suspend the letting of all contracts and all other acts in any manner connected with or relating to said institution, until the 1st day of April, A. D. 1868.*

*Resolved, That said trustees be notified of the passage of this resolution.*

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Adopted March 13th, 1868.

#### JOINT RESOLUTION,

To provide for printing five thousand copies of the new road law.

*Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and required to cause to be printed in pamphlet form, in advance of all other printing, five thousand copies of House*

Bill No. 112, as it passed, and forward three thousand copies of the same to the several county auditors, on or before the third Monday of March, 1868, and by said auditors to the trustees of the several townships; the remaining two thousand to be reserved for the use of the members of the general assembly.

JOHN F. FOILETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Adopted March 13, 1868.

#### JOINT RESOLUTION,

In relation to American citizens.

**WHEREAS**, Certain European governments have claimed from those of their subjects who have become citizens of this country allegiance of a life tenure; and,

**WHEREAS**, Our adopted citizens are by virtue of the constitution and laws of this country entitled to all the rights, privileges and immunities (except eligibility to the office of president or vice president) of our native born citizens; therefore,

*Resolved* [by the General Assembly of the State of Ohio], That in our opinion the congress of the United States should proclaim to the world that the moment a subject of any foreign power becomes a citizen of this country in the manner provided by the constitution and laws thereof, then all allegiance to said foreign power ceases, and that the government of this country will maintain such principle at all hazards.

*Resolved*, That the arrest, imprisonment, or punishment of native or naturalized citizens of the United States by foreign powers for words spoken or acts done within the jurisdiction and limits of the United States, is in violation of the rights of such citizens, and a contempt of the government of the United States, for which such government should demand and compel redress.

*Resolved*, That a copy of the foregoing preamble and resolutions be transmitted by the governor to each senator and member of the house of representatives from the state of Ohio in the congress of the United States.

JOHN F. FOILETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted March 19, 1868.

#### JOINT RESOLUTION,

Relative to printing five thousand copies of the report of the Commissioner of Statistics in English, and one thousand of the same in German.

*Resolved by the General Assembly of the State of Ohio*, That there be printed and bound in muslin five thousand copies of the report of the

commissioner of statistics in English, and one thousand in German; one hundred copies for the use of the commissioner of statistics; three hundred copies for the state library, and the remainder to be distributed among the members of the general assembly by the secretary of state, when the agricultural report is distributed.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted March 19, 1868.

#### JOINT RESOLUTION,

To provide for taking immediate steps to agree upon the location of the Ohio agricultural and mechanical college, and for the appointment of a joint committee on the subject.

WHEREAS, The congress of the United States, by an act passed July 2d, 1862, entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," donated to the state of Ohio, land-scrip; and,

WHEREAS, The general assembly of Ohio, by an act passed February 9th, 1864, (L. of O., vol. 61, p. 7) accepted said donation, subject to all the conditions and provisions contained in said act, and pledged the faith of the state of Ohio to the performance of all such conditions and provisions; and,

WHEREAS, The state of Ohio has received from the United States, land-scrip for the purpose of establishing an agricultural college or colleges in said state; and,

WHEREAS, The said land scrip has been sold, and there is now in the state treasury, to the credit of the agricultural college fund, the sum of \$342,450.80; and,

WHEREAS, One of the provisions of the act of congress making such donation, requires each state which may claim the benefit of said act, to provide not less than "one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the states may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life;" and,

WHEREAS, The time for providing such college or colleges will expire on the 2d day of July, 1872, at which time, unless such college or colleges are provided, the grant to the state of Ohio will cease, and said state will be bound to pay the United States the amount so received; therefore, be it

*Resolved [by the General Assembly of the State of Ohio,]* 1st. That it is important for the general assembly of Ohio to take immediate steps to provide one college for the objects and purposes aforesaid.

2d. That to this end a joint committee of the senate and house of representatives, consisting of four on the part of the senate and eight

on the part of [the] House be appointed, with authority to receive propositions for sites for the location of such college, and examine the same; also propositions for experimental farm, and proposals of donations of such sites and farms; and also donations towards the erection of suitable college buildings.

3d. That the said committee shall have authority to meet, for the transaction of business, during any adjournment of the general assembly, at such time and place as the committee may agree upon.

4th. That the said committee shall report, at as early a time as possible, by bill or otherwise.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate*

Adopted March 30, 1868.

#### JOINT RESOLUTION,

Relative to printing certain reports.

*Resolved by the General Assembly of the State of Ohio,* That there be printed the following documents, to-wit: Report of the adjutant general, 4,500 copies, 2,000 for the use of the adjutant general, and 2,500 for the use of the general assembly; report of the secretary of state, 3,700 additional copies, 1,200 for the use of the secretary of state, and 2,500 for the use of the general assembly; report of Longview lunatic asylum, 1,800 copies, 1,000 for the use of asylum, and 800 for general assembly; report of commissioner of common schools, 3,000 additional copies, in the German language, 1,000 for use of school commissioner, and 2,000 for general assembly.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

March 30, 1868.

#### JOINT RESOLUTION,

Relative to appointing Senators Dangler and Onderdonk on enrollment.

*Resolved [by the General Assembly of the State of Ohio,]* That Messrs. Dangler and Onderdonk, on the part of the senate, and Messrs. Neal and Lee, on the part of the house, be added to the standing committee on enrollment.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted March 30, 1868.

## JOINT RESOLUTION,

Relative to printing and distribution of report of the commissioner of railroads and telegraphs.

*Resolved by the General Assembly of the State of Ohio,* That the supervisor of public printing be and he hereby is authorized to have printed three thousand copies of the report of the commissioner of railroads and telegraphs—three hundred copies for the use of the members of the general assembly, and two hundred copies for the use of the commissioner, to be bound in muslin, and the remainder to be bound in brochure. That a copy shall be sent to each of the thirty-seven states of this Union, and to each of the territories.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted March 30, 1868.

## JOINT RESOLUTION,

To provide for a more complete ventilation of the Ohio Penitentiary.

*Resolved by the General Assembly of the State of Ohio,* That the directors and warden of the Ohio Penitentiary be and they are hereby authorized to commence immediately the construction of the necessary tubing and such other works as will insure a thorough ventilation of the cells and halls of the Ohio Penitentiary.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted March 30, 1868.

## JOINT RESOLUTION,

Relative to loaning flags to associations for reunion occasions.

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of the state house be and he is hereby authorized and instructed, on the application of the president and secretary of any association composed of members of any regiment or battery of this state having flags deposited in the flag-room of the capitol, to deliver to any such association, or its authorized agent, upon their written order, the stand of colors of any such regiment or battery, to be used at the general meetings or reunions of such associations, and to be returned by the said officers within twenty days after said meetings or reunions, to the said superintendent of the state house; and on failure upon the part of any such association so to return any stand of colors, obtained under the provisions of this



resolution, all further rights and privileges under the same shall be forfeited.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 T. J. GODFREY,  
*President pro tem. of the Senate.*

Adopted April 3d, 1868.

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#### JOINT RESOLUTION,

Protesting against the reconstruction acts of congress, and against the passage of certain bills now pending therein; and instructing our senators and requesting our representatives in congress to vote for the repeal of the former, and against the passage of the latter.

WHEREAS, The congress of the United States has enacted laws, and is now considering measures which, if enacted into laws, are, in the opinion of this general assembly, in direct conflict with the plainest provisions of constitution; therefore, be it

*Resolved [by the General Assembly of the State of Ohio]*—1st. That this general assembly doth protest against the acts of congress, commonly called the reconstruction acts, because the same are subversive of the rights of the states, the liberty and prosperity of the people, and the constitutional powers of the executive and judicial departments of the federal government; and our senators in congress are hereby instructed, and our representatives in congress requested, to vote for the repeal of all said acts.

2d. That this general assembly doth protest against the passage of the bill now pending in congress, requiring the concurrence of two-thirds of the judges of the supreme court of the United States to pronounce an act of congress unconstitutional, because said proposition is plainly unconstitutional, and is an attempt to destroy the judicial department of the government.

3d. And this general assembly doth also protest against the passage of the bill, now pending in congress, to take from the supreme and other courts of the United States, jurisdiction in cases arising under said reconstruction acts, because said bill proposes to deny to the people any redress for wrongs and injuries they may suffer, to destroy the just and necessary powers of the judicial tribunal, and to subject the country to an uncontrolled and uncontrollable military despotism; and our senators in congress are hereby instructed, and our representatives in congress requested, to oppose and vote against the passage of said bills.

4th. That the governor is hereby requested to forward a copy of these resolutions to each of our senators and representatives in congress, and to each of the judges of the supreme court of the United States.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted April 13th, 1868.

## JOINT RESOLUTION,

Relative to instructing the board of public works to investigate the alleged damages done to Mary A. High.

*Resolved by the General Assembly of the State of Ohio*, That the board of public works be and they hereby are directed to view and assess the damages to Mary A. High, as the owner of east half of the north fraction and the east part of the west half of the north fraction, of section number eleven (11), in township number five (5) north, of range number seven (7) east, in the county of Henry and state of Ohio, if in their opinion any damages have been sustained by said Mary A. High, as the owner of said lands, by the construction of the dam across the Maumee river, at Gilead, in the state of Ohio, and that they report to the next session of the general assembly.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 9, 1868.

## JOINT RESOLUTION,

Relative to the use of Hay's electro chemical steam boiler protector, in connection with railroad locomotives in the state of Ohio.

WHEREAS, It is the sense of this general assembly that every means ought to be adopted whereby greater security against accident may be guaranteed to the traveling public in the state of Ohio; therefore,

*Resolved [by the General Assembly of the State of Ohio]*, That a committee of three on the part of the senate and five on the part of the house be appointed to inquire into and report, by bill or otherwise, the propriety of providing by law that "Hay's electro chemical steam boiler protector" be used in connection with railroad locomotives in the state of Ohio.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted April 14, 1868.

## JOINT RESOLUTION,

Relative to transferring Junetta Dixon from the Ohio Penitentiary to the State Reform School.

WHEREAS, Junetta Dixon, a small girl of about fifteen years of age, was, at the court of common pleas of Defiance county, May term, 1867, convicted of grand larceny, and sentenced to imprisonment in the Ohio Penitentiary for the period of two (2) years; and

WHEREAS, It is understood that such provision can be made at the State Reform Farm, in Fairfield county, as would admit the said Junetta Dixon to that institution, and place her, without detriment to its interests, under such care as would secure her from the demoralization of the

prison, and afford her opportunities for mental and moral culture, and proper instruction in domestic affairs; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That the governor be and is hereby authorized to issue his warrant for the transfer of the said Junetta Dixon from the Ohio Penitentiary to the State Reform School, there to be held and treated, so far as practicable, under the laws and regulations of that institution.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 16, 1868.

#### JOINT RESOLUTION,

Relative to printing the report of the state board of agriculture for the years 1867 and 1868.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state be authorized and required by law, under and in accordance with a law passed March 24, 1860, to provide for the execution and supervision of the state printing and binding, under the joint supervision of the supervisor of state printing and the secretary of the state board of agriculture, to have printed and bound twenty thousand copies of the report of the state board of agriculture for the year 1867, and twenty thousand copies of the report for the year 1868, of which ten per cent. shall be printed in German, and the size of the type and mechanical execution to conform to the report of the said board for the year 1866; provided, that nothing shall be published in said reports except such matter as is authorized by law, not to exceed in size the report of 1866; 2,000 copies of the report for the year 1867, and 2,000 copies of the report for the year 1868, [to] be subject to the order of the state board of agriculture, for exchange and foreign distribution; 18,000 copies of the report for each of said years 1867 and 1868, the secretary of state shall apportion among the present members of the general assembly—the number of German copies for each member to be determined by a list to be furnished the said secretary of state by the committee on agriculture in each house, on which list shall be stated the number of German copies desired by the several members. Said report shall be boxed up and directed to the care of the county auditor in the counties in which they respectively reside; and it shall be the duty of said county auditors to notify the respective members within ten days after the receipt of said reports, and if not removed by the person to whom directed, or on his written order, within thirty days, then the reports are to be by the auditor delivered to the president of the county agricultural society for distribution. The charges for the transportation of the said reports, as well as the charges for lumber and making boxes, shall be paid for in the same manner as is or may be provided by law for the distribution of the laws and journals.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Adopted April 30, 1868.

## JOINT RESOLUTION,

Relative to requesting congress to take measures to prevent the loss of life on the waters under the jurisdiction of the United States.

**WHEREAS**, The frequent appalling disasters on our lakes and rivers, by explosions and conflagrations, whereby the loss of human life, in its most terrible forms, has become absolutely shocking; therefore,

*Resolved by this General Assembly [the General Assembly of the State of Ohio]*, That our senators in congress be instructed, and our representatives requested, to make further provisions by law, at as early a period as practicable, for the security of life in vessels and steamboats navigating the lakes and rivers within the jurisdiction of the United States.

*Resolved*, That copies of the foregoing resolution be sent by the governor to each of our senators and representatives in congress.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Adopted April 25, 1868.

## JOINT RESOLUTION,

Rescinding the joint resolution of the general assembly of the state of Ohio, passed April 5, 1866, relative to selling the public arms of the state. (Vol. 63, p. 23.)

*Resolved by the General Assembly of the State of Ohio*, That the joint resolution passed by the general assembly of the state of Ohio, April 5, 1866, relative to selling the public arms of the state of Ohio, be and the same is hereby rescinded.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Adopted April 25, 1868.

## JOINT RESOLUTION,

Relative to the establishment of an institution for reforming and protecting unfortunate and refractory juvenile females.

**WHEREAS**, Numerous petitions from all parts of the state have been received, praying that measures be speedily adopted for the establishment of an institution for reforming and protecting unfortunate and refractory juvenile females; and

**WHEREAS**, It is the sense of this general assembly that measures should be adopted to carry out the object prayed for; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That for the purpose of establishing and erecting such an institution for girls, a joint committee, consisting of two on the part of the senate and three on the

part of the house, be appointed, who shall be authorized to examine sites and receive proposals, gifts, or donations toward the establishment of such an institution, and report to the legislature at the adjourned session.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Adopted April 30, 1868.

#### JOINT RESOLUTION,

Relative to the transfer of lots in Spring Grove and Green Lawn cemeteries.

*Resolved by the General Assembly of the State of Ohio,* That the governor be and is hereby authorized to transfer to the government of the United States the title now vested in this state to lots A, B and C, in the soldiers' section of Spring Grove cemetery, at Cincinnati, and so much of lot M, in Green Lawn cemetery, at Columbus, as may be needed for the interment of deceased union soldiers, upon the condition alone that said government agree to take charge of and put and keep said lots and graves therein in good repair and condition.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 5, 1868.

#### JOINT RESOLUTION,

Approving certain acts of the board of public works.

WHEREAS, The board of public works, with the consent of the lessees of the public works, did, by resolution of said board, dated November 13th, 1867, abandon the north part of Lockport basin, on the Miami and Erie canal, because the same had become entirely unnecessary for the purposes of navigation, and very expensive to maintain in proper condition; therefore, be it

- *Resolved by the General Assembly of the State of Ohio,* That the said abandonment of the north part of said basin is approved and confirmed, and all the right, title and claim thereto, on the part of the state, for public uses, acquired under the dedication of October 1st, in the year 1834, is hereby released to the parties owning the reversionary interest therein.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

T. J. GODFREY,

*President pro tem. of the Senate.*

Passed May 6, 1868.

## JOINT RESOLUTION,

Relative to purchasing five thousand copies of Swan & Sayler's revised statutes at a cost of four dollars and fifty cents per copy, and defining the mode and to whom they shall be furnished.

*Resolved by the General Assembly of the State of Ohio,* That the secretary of state is hereby authorized and directed to purchase of Robert Clark & Co., of Cincinnati, for the use of the state, five thousand copies of Swan & Sayler's supplementary volume of revised statutes of Ohio, now in press, at the price of four dollars and one-half per copy; provided, said volume shall contain all the statutes of this state of a general nature passed since August 1, 1860, and now in force, including those passed at the present session of the general assembly, together with a copious index, and notes of the decisions of the supreme court of Ohio; the index to embrace notes and also all laws in force in the revised statutes of Swan's revision of 1854, and Swan & Critchfield; the notes to include all decisions relating to the subject matter of the titles of said volume made since the publication of Swan & Critchfield; the volume also to contain references to all laws in force in said Swan and Swan & Critchfield's revision, and to all laws in said revision repealed or modified; to be uniform with those volumes, and printed in good style, on good paper, of the same quality of the sample furnished by Robert Clark & Co., containing chapters 52 to 55, inclusive, and bound in good law leather; each copy to have lettered upon its back the following words, "The property of the state of Ohio;" and provided further, that a copy of said volume shall be first submitted to the attorney general for examination; and he shall give a certificate that said volume has been prepared, printed and bound as above provided; provided, however, that there shall be made in the said supplement, at the commencement of each chapter, a reference to Swan & Critchfield's statutes, volume and page, and also a reference to Swan's statutes of 1854, and the annual volumes for 1854 until 1860, volume and page, so that the said supplement, with the said edition of Swan's statutes of 1854 and the annual volumes, and said supplement shall embrace all of the laws of a general nature of the state in force, with a reference to the laws in force or repealed.

*Resolved further,* That the secretary of state shall preserve said statutes, subject to distribution according to law, and shall keep a record of such distribution, and shall include in his annual report to the governor a statement thereof, and of the number of copies remaining in his custody; and shall cause to be distributed, in the same manner as the general laws are now distributed, copies of said supplementary volume of revised statutes, as follows: To the offices of the governor, attorney general, comptroller of the treasury, board of public works, board of agriculture, commissioners of the sinking fund, warden of the penitentiary, one copy each; treasurer of state and secretary of state, two copies each; auditor of state, three copies; clerks of the supreme court, court of common pleas of each county, of each superior court, and each police court, three copies; auditor of each county, one copy; probate court of each county, one copy; and each justice of the peace in the several townships of the state, one copy. Said copies to be the property of the state, and to remain in said offices, and to be delivered by said officers to their successors. That there shall be placed in the state library six copies; and at the opening of each regular, adjourned, and extra session of the general assembly, the secretary of state shall deliver to the sergeants-at-arms of the senate and house of representatives two copies for each member and pre-

siding officer for their use during such session ; and said sergeant-at-arms shall, at the close of each session, return the same to the secretary of state.

*Resolved further*, That the governor shall have power to direct the secretary of state to exchange copies of said volume of statutes, not exceeding thirty-five in number, for the revised statutes of other states, to be placed in the state library.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
T. J. GODFREY,  
*President pro tem. of the Senate.*

Passed May 7, 1868.

#### JOINT RESOLUTION,

Providing for the distribution of printed matter among the members of the general assembly.

*Resolved by the General Assembly of the State of Ohio*, That the secretary of state be and he is hereby authorized and directed to forward to the members of the senate and house their proportion of reports, severally, together with all other printed matter to which they are entitled and which will not have been distributed at the close of the present session, the expense to be paid out of the fund for the distribution of the laws and journals.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

#### JOINT RESOLUTION,

Relative to granting to Dr. Wm. M. Awl the privileges of the state library during his natural life.

WHEREAS, Dr. Wm. M. Awl, late superintendent of the state house, was mainly instrumental in putting in successful operation one of the most important of the benevolent institutions of this state; and

WHEREAS, The said Wm. M. Awl, by a long life of usefulness devoted to the promotion of the general interests of the people of the state, is entitled to their respectful consideration; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the privileges of [the] state library be extended to the said Dr. Wm. M. Awl during his natural life.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 8, 1868.

## JOINT RESOLUTION,

Relative to damages sustained by land owners along the Big Beaver river, in Mercer county.

*Resolved by the General Assembly of the State of Ohio,* That the board of public works be directed to cause an appraisement of the damages sustained by the land owners along the Big Beaver river, in Mercer county, Ohio, by reason of the obstructions placed in said river in the construction of the Mercer county reservoir; also the probable cost of clearing the channel of said river from the west bank of the reservoir to the point where it empties into the Wabash river, and report their proceedings in the premises at the next meeting of this general assembly.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 9, 1868.

## JOINT RESOLUTION,

Relative to the Lewistown reservoir.

*Resolved by the General Assembly of the State of Ohio,* That the board of public works are hereby requested to report to this general assembly, on or before the first Monday of January next, what lands, if any, have been overflowed or rendered worthless or damaged by the construction of the Lewistown reservoir, that have not yet been condemned and paid for according to law, and if need be, that said board cause an investigation and survey to be made, to ascertain the facts herein required.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Passed May 9, 1868.

## JOINT RESOLUTION,

Authorizing the appointment of a committee on the subject of the erection of an additional penitentiary.

WHEREAS, His excellency Governor Cox, in his annual message directs the attention of this general assembly to the fact that the number of convicts in the penitentiary is beyond its capacity for their proper and profitable accommodation, stating that "it is manifest that it will not do to put off any longer the task of providing for the increase of convicts," and recommending the construction of an intermediate prison, taking grade between the reform farm and the present penitentiary; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That a joint select committee, consisting of three members on the part of the senate and five members on the part of the house be appointed, whose duty it



shall be to inquire into the necessity of such increase of prison accommodations and the propriety of the construction of "an intermediate prison," such as is recommended in said message, and report the result of their inquiries and investigations to the next session of this general assembly, and that said committee be further authorized to visit the various localities of the state, with the view of determining the best locality for such prison as it may be advisable to construct, and to receive proposals from any of such localities, for donations of land or other property, to be used in the construction of such prison or penitentiary should it be located at such point as may be designated by the party or parties offering such donations; and that said committee report the result of all such examinations, together with such proposals as may be made, to the next session of this general assembly.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 WM. LAWRENCE,  
*President pro tem. of the Senate.*

Adopted May 9, 1868.

#### JOINT RESOLUTION,

Providing for a committee of inquiry.

*Resolved by the General Assembly of the State of Ohio,* That a select joint committee, consisting of one member on the part of the senate and two members on the part of the house be appointed, whose duty it shall be to inquire into and report at the adjourned session of the general assembly, what damage has been sustained by M. Steffin, on account of the pollution, by the sewers of the southern Ohio lunatic asylum, of a stream of water through his lands.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted May 12, 1868.

#### JOINT RESOLUTION,

Relating to lists of soldiers killed in battle.

*Resolved by the General Assembly of the State of Ohio,* That the adjutant-general of the state of Ohio is hereby directed to cause the lists of the Ohio soldiers who were killed in battle, or otherwise died in the service, and are buried in the different national cemeteries, to be revised and corrected, and forward the same to the proper superintendents of said cemeteries; and that there shall be appropriated out of any moneys in the treasury not otherwise appropriated, the sum of five hundred dollars, for the purpose of carrying this resolution into effect.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted May 12, 1868.

## JOINT RESOLUTION,

Requiring the clerks of the two houses to prepare and cause to be printed a list of the bills pending at the close of this session.

*Resolved by the General Assembly of the State of Ohio,* That the clerks of the house and senate respectively, be and they are hereby required to make a list of all bills pending in their respective bodies at the close of the session, noting the stage in which said bills appear upon the journals, and that they cause to be published three hundred copies of said list for the use of the general assembly, to be laid upon the tables of members at the commencement of the adjourned session.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted May 12, 1868.

## JOINT RESOLUTION,

Relative to instructing the state librarian to deliver to John H. Klippart certain books belonging to him.

*Resolved by the General Assembly of the State of Ohio,* That the state librarian be and is hereby instructed to deliver to John H. Klippart certain books belonging to him, and remaining in the state library since the year 1859. The books are as follows:

Three volumes *Allgemeine Zeitung für Land und Forstwirtschaft*, 1852, 1853 and 1856. Five volumes *Concours Regionaux D'Animaux Reproducteurs*, 1851, 1852, 1853, 1854 and 1855. Six volumes *Concours Regionaux D'Animaux de Boucherie*, 1844 to 1849, 1850, 1851, 1852, 1853 and 1854. One volume *Voyage dans le mer du Nord par Edmond*. One volume *Race Flamand*.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Adopted May 15, 1868.

## JOINT RESOLUTION,

Relative to adjournment.

*Resolved by the General Assembly of the State of Ohio,* That this general assembly will adjourn on Monday, the 18th inst., at 10 o'clock A. M., to meet again on Monday, the 23d day of November, A. D. 1868, at 12 o'clock M.

F. W. THORNHILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted May 14, 1868.

## JOINT RESOLUTION,

Relative to the purchase of additional grounds for the Ohio Penitentiary.

*Resolved by the General Assembly of the State of Ohio,* That the directors of the Ohio Penitentiary be and they are hereby authorized to contract, in the name of the state of Ohio, with Dr. L. Goodale, or other parties, for ten acres of land, lying immediately north of and adjoining the present penitentiary grounds, at a cost not exceeding twenty thousand dollars, payment therefor to be made at such time after twelve months from the date of such purchase as may be agreed upon.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Adopted May 16, 1868.

## JOINT RESOLUTION,

Protesting against efforts to tamper with the members of the high court of impeachment.

WHEREAS, The evidence and arguments on the trial of the pending impeachment against Andrew Johnson, president of the United States, are now closed, and the senate of the United States, sitting as a high court of impeachment, is deliberating what judgment shall be rendered on the articles preferred; and

WHEREAS, A violent outside pressure is publicly and shamelessly being brought to influence members of the court, to render a decision without regard to their oaths to try the case impartially according to the law and the evidence; therefore,

*Resolved by the General Assembly of the State of Ohio,* That we solemnly protest, in the name of the people of this state, against all efforts to tamper with the members of the court, and denounce as infamous and unprecedented in American history, and an outrage on the right of an accused party to a fair trial, every attempt to browbeat and force senators, acting as sworn judges, to render a judgment contrary to their conscientious convictions of what the law and evidence in the case may require.

*Resolved,* That the governor be requested to forward a copy of the foregoing preamble and resolution to the chief justice of the U. S.—the presiding officer of the high court of impeachment, and to our senators and representatives in congress.

JOHN F. FOLLETT,

*Speaker of the House of Representatives.*

WM. LAWRENCE,

*President pro tem. of the Senate.*

Adopted May 16, 1868.

## JOINT RESOLUTION,

Relative to requesting the governor to issue a proclamation for thanksgiving at some time during the autumn of the present year.

*Resolved by the General Assembly of the State of Ohio*, That the governor be and he is hereby authorized, and requested at some time during the autumn of the present year, to issue his proclamation, designating a day of public thanksgiving to Almighty God, for His continued blessings vouchsafed to the people of Ohio.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*

WM. LAWRENCE,  
*President pro tem. of the Senate.*

Adopted May 16, 1868.

## JOINT RESOLUTION,

Relative to the Sandy and Beaver canal.

WHEREAS, The general assembly of the state of Ohio, on the ninth day of April, 1856, (Swan & Critchfield, page 233,) passed an act authorizing and requiring the board of public works to adopt, as a part of the public works of this state, and as a feeder of the Ohio canal, that part of the Sandy and Beaver canal extending from the junction with the Ohio canal, at the town of Bolivar, to the head of the slack-water pool created by the dam across Sandy creek, below the town of Sandyville, in Tuscarawas county, together with all the waters, works, privileges and appurtenances, and devices of every name and nature appertaining thereto and connected therewith, on certain conditions and stipulations to be performed on the part of the former owners of the Sandy and Beaver canal, which conditions and stipulations are set forth in said act of April 9th, 1856, above referred to; and

WHEREAS, A difference of opinion exists between the board of public works and the former owners of said Sandy and Beaver canal, as to how much of said Sandy and Beaver canal was authorized to be adopted in pursuance of said act; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the board of public works are hereby required to submit the said act of April 9, 1856, to the attorney general of the state of Ohio, for his official opinion as to the extent of the authority conferred by said act; and, also, that said attorney general also inquire and report to the said board whether the former owners of said Sandy and Beaver canal have fully complied on their part with all the conditions and stipulations required of them by the terms of said act; and that the board of public works are required to settle the controversy in accordance with the opinion of the attorney general.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*

WM. LAWRENCE,  
*President pro tem. of the Senate.*

Adopted May 16, 1868.

## JOINT RESOLUTION,

Looking to a survey of the Miami and Erie canal.

WHEREAS, The great and increasing population and resources of the state of Ohio and of the west and south-west of the United States, and the necessity of furnishing easy water communication between the east and west, both in peace and in war, demand that some step should be taken for the improvement of our present means of transportation for the products of these portions of the country; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the representatives of the state of Ohio in congress be and they are hereby requested, and the senators from the state instructed, to use all proper efforts and influence to procure a survey of the Miami and Erie canal from Cincinnati to Toledo, for the purpose of causing the same to be enlarged to the capacity of a ship canal, for the connection of the waters of the Ohio and Mississippi with the great lakes.

*Resolved*, That the governor of this state be requested to cause a copy of the foregoing preamble and resolution to be forwarded to each of our senators and representatives in congress.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Adopted May 16, 1868.

## JOINT RESOLUTION,

Relative to assigning room No. 76 in the state house to the use and occupancy of the commissioner of common schools.

*Resolved by the General Assembly of the State of Ohio*, That room No. 76 in the state house is hereby assigned to the use and occupancy of the commissioner of common schools, in addition to room No. 3, now occupied by that officer.

JOHN F. FOLLETT,  
*Speaker of the House of Representatives.*  
WM. LAWRENCE,  
*President pro tem. of the Senate.*

Adopted May 16, 1868.

OFFICE OF SECRETARY OF STATE,  
Columbus, Ohio, June 8, 1868.

I hereby certify that the foregoing Joint Resolutions are correctly copied from the original rolls on file in this office.

JOHN RUSSELL,  
*Secretary of State.*

# TIMES OF HOLDING COURTS IN OHIO, FOR 1868.

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OFFICE OF THE SECRETARY OF STATE,  
Columbus, O., June 9, 1868.

The following list of the times of holding the District Courts and Courts of Common Pleas for the year 1868, is published for the information of the Judiciary and Bar of the State. The dates generally are those fixed by the Judges—in a few instances, by the General Assembly.

JOHN RUSSELL,  
*Secretary of State.*

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## FIRST DISTRICT.

### *District Court.*

Hamilton county, April 20 ; October 5.

### *Common Pleas.*

Hamilton, January 6 ; May 11 ; November 2.

## SECOND DISTRICT.

### *District Court.*

Clinton, May 4 ; Warren, May 7 ; Greene, May 11 ; Clarke, May 14 ;  
Champaign, May 18 ; Darke, May 21 ; Preble, May 25 ; Butler, May 28 ;  
Montgomery, June 4 ; Miami, June 5.

### *Common Pleas.*

Butler, February 10, June 8, October 19.  
Preble, April 6, July 6, December 7.  
Miami, February 10, June 8, October 19.  
Darke, March 9, June 22, November 16.  
Champaign, April 6, July 6, December 7.  
Greene, February 10, June 8, October 19.  
Warren, February 10, June 8, October 19.  
Clinton, March 9, July 6, November 16.  
Montgomery, March 9, July 20, December 14.  
Clarke, April 6, July 6, November 16.

## THIRD DISTRICT.

### *District Court.*

Williams, August 5 ; Fulton, August 6 ; Wood, August 7 ; Henry,  
August 10 ; Defiance, August 11 ; Paulding, August 13 ; Van Wert,

August 14; Allen, August 17; Putnam, August 19; Auglaize, August 20; Mercer, August 21; Shelby, August 24; Logan, August 27; Marion, August 29; Union, September 1; Crawford, September 3; Wyandot, September 5; Hardin, September 8; Hancock, September 9; Seneca, September 10.

*Common Pleas.*

Union, February 3, May 4, November 4.  
 Hardin, January 20, April 20, September 28.  
 Marion, February 17, May 18, November 2.  
 Logan, March 2, June 1, November 16.  
 Shelby, January 6, April 6, September 14.  
 Auglaize, January 28, May 19, October 6.  
 Allen, March 10, June 16, November 17.  
 Mercer, January 14, May 12, September 29.  
 Van Wert, February 25, June 9, November 3.  
 Putnam, February 11, June 2, October 20.  
 Paulding, February 4, September 22.  
 Defiance, January 27, April 27, September 28.  
 Henry, February 10, May 4, October 5.  
 Fulton, February 18, May 12, October 20.  
 Williams, March 3, May 19, November 4.  
 Wood, March 17, June 2, November 17.  
 Seneca, February 25, May 26, November 10.  
 Hancock, January 28, April 14, October 27.  
 Wyandot, February 10, May 4, September 21.  
 Crawford, January 14, March 24, October 6.

FOURTH DISTRICT.

*District Court.*

Erie, April 13; Huron, April 20; Lucas, April 27; Sandusky, April 24; Ottawa, April 16; Lorain, September 10; Medina, September 14; Summit, September 17; Cuyahoga, September 22.

*Common Pleas.*

Erie, January 27, May 18, October 5.  
 Huron, February 24, June 8, November 9.  
 Lucas, February 24, May 18, October 26.  
 Sandusky, February 10, May 4, October 12.  
 Ottawa, May 5, October 27.  
 Lorain, March 3, June 2, November 17.  
 Medina, February 18, May 19, November 3.  
 Summit, January 28, April 28, October 14.  
 Cuyahoga, February 10, May 11, November 4.

FIFTH DISTRICT.

*District Court.*

Madison, May 5; Franklin, May 6; Pickaway, May 11; Fayette, May 15; Ross, September 1; Highland, September 4; Adams, September 8; Brown, September 10; Clermont, September 15.

*Common Pleas.*

Brown, February 4, June 30, November 3.  
 Adams, February 25, May 26, September 29.  
 Clermont, March 10, June 9, October 14.  
 Highland, January 14, May 19, October 14.  
 Ross, February 4, June 2, October 27.  
 Fayette, March 3, June 23, September 22.  
 Madison, February 3, May 18, October 14.  
 Pickaway, February 18, May 26, October 27.  
 Franklin, March 9, June 15, November 16.

## SIXTH DISTRICT.

*District Court.*

Coshocton, June 2; Licking, June 4; Delaware, June 10; Morrow, June 13; Richland, June 22; Knox, June 26; Ashland, July 1; Wayne, July 6; Holmes, July 10.

*Common Pleas.*

Delaware, January 20, April 20, October 14.  
 Knox, March 3, July 21, November 17.  
 Licking, February 3, April 6, August 31.  
 Morrow, January 28, May 5, October 14.  
 Ashland, February 24, September 7, November 16.  
 Richland, March 9, August 3, November 2.  
 Holmes, January 21, April 21, October 20.  
 Coshocton, February 3, May 4, November 2.  
 Wayne, March 17, August 25, December 15.

## SEVENTH DISTRICT.

*District Court.*

Washington, April 9; Meigs, April 13; Gallia, April 17; Lawrence, April 20; Scioto, April 23; Pike, April 27; Perry, September 1; Fairfield, September 3; Hocking, September 7; Athens, September 10; Vinton, September 14; Jackson, September 17.

*Common Pleas.*

Perry, February 11, May 12, October 6.  
 Fairfield, February 18, May 19, October 13.  
 Hocking, March 9, June 8, November 2.  
 Lawrence, February 11, May 12, September 29.  
 Scioto, March 10, June 2, November 10.  
 Vinton, March 10, June 16, Nov. 17.  
 Jackson, February 25, May 25, October 13.  
 Pike, February 4, May 4, September 22.  
 Gallia, February 7, May 1, September 25.  
 Meigs, February 17, May 11, October 5.  
 Washington, March 2, May 25, October 19.  
 Athens, March 23, June 15, November 9.



## EIGHTH DISTRICT.

*District Court.*

Muskingum, August 31; Morgan, September 7; Noble, September 9; Monroe, September 14; Belmont, September 15; Guernsey, September 21; Tuscarawas, September 25; Harrison, September 28; Jefferson, September 29.

*Common Pleas.*

Muskingum, January 22, April 22, November 18.  
 Morgan, March 3, June 2, November 3.  
 Noble, January 14, April 14, October 20.  
 Guernsey, January 28, May 5, November 24.  
 Belmont, February 25, May 26, October 20.  
 Monroe, January 20, April 21, December 9.  
 Harrison, February 3, May 11, October 19.  
 Tuscarawas, February 17, April 27, November 23.  
 Jefferson, March 2, June 1, November 2.

## NINTH DISTRICT.

*District Court.*

Stark, April 18; Columbiana, April 13; Trumbull, April 6; Lake, August 18; Ashtabula, August 24; Carroll, April 16; Mahoning, April 9; Portage, April 23; Geauga, August 20.

*Common Pleas.*

Carroll, January 13, May 18, October 19.  
 Stark, February 17, June 1, November 9.  
 Columbiana, January 27, April 27, September 7.  
 Mahoning, January 6, March 2, September 7.  
 Portage, January 27, June 15, October 19.  
 Trumbull, February 10, May 11, November 9.  
 Lake, February 17, May 11, September 21.  
 Geauga, February 4, April 28, September 8.  
 Ashtabula, January 6, May 25, November 9.



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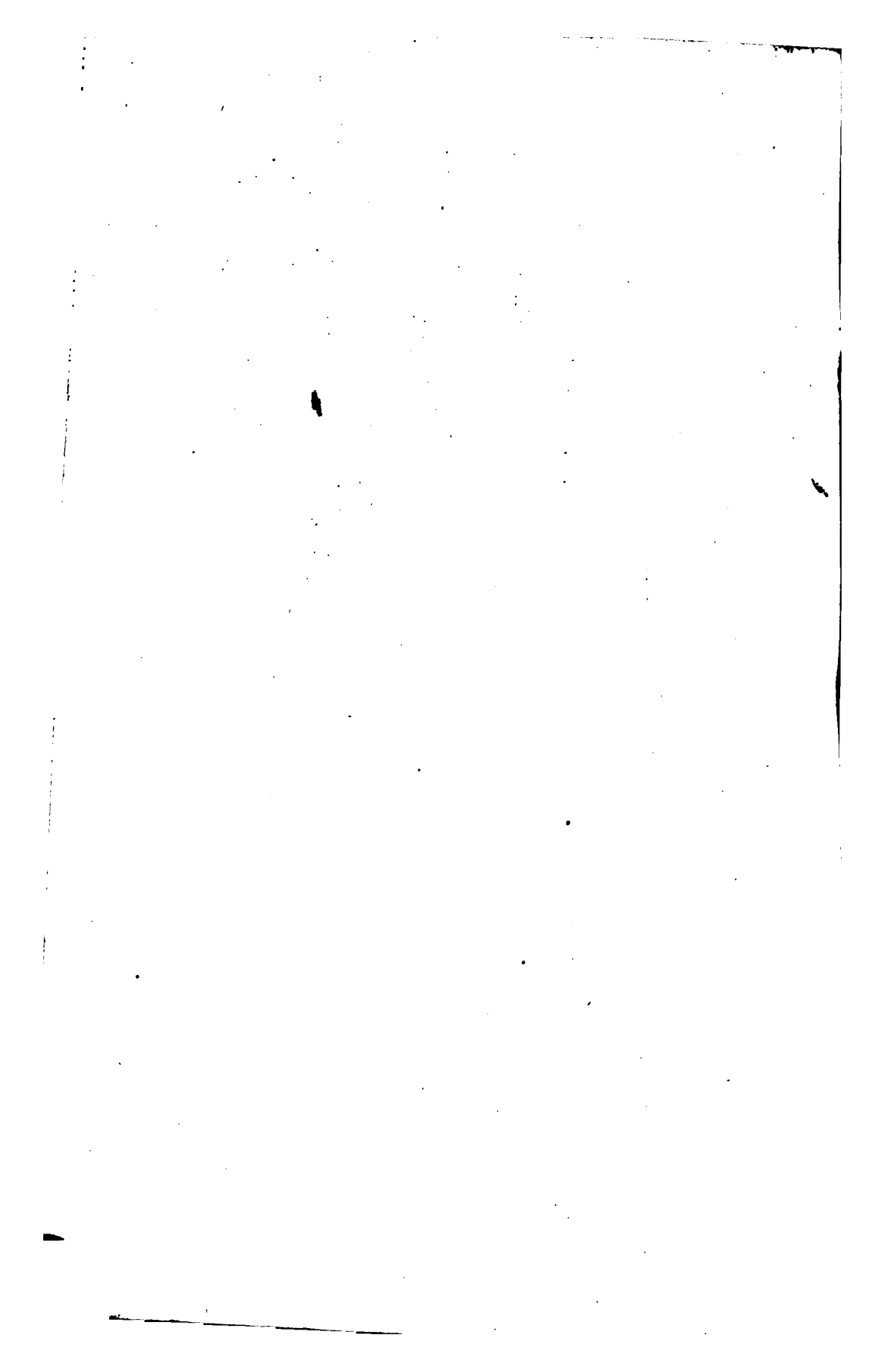
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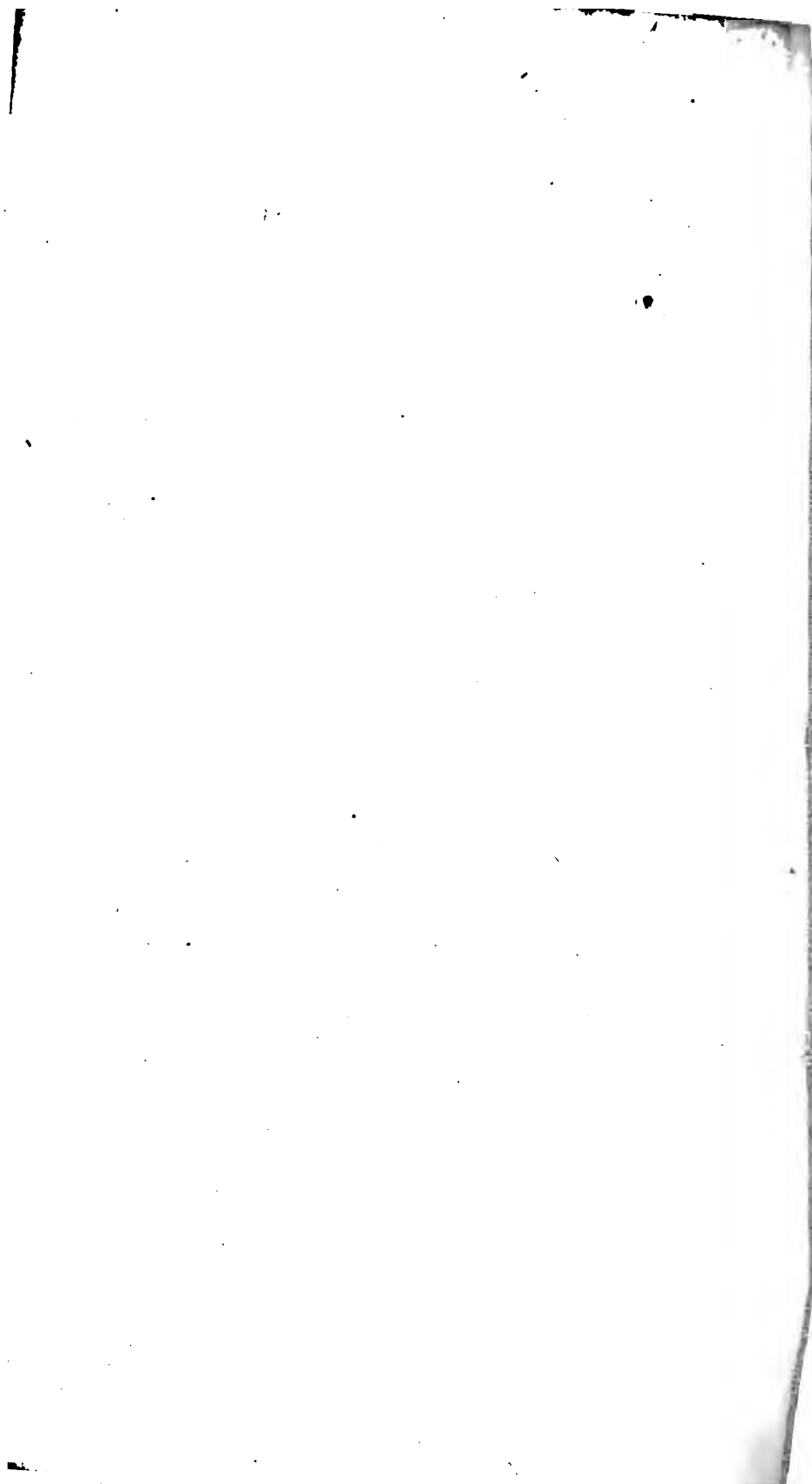
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